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PUBLIC ACTS
OF
THE LEGISLATURE
OF THE 5-15-37
STATE OF MICHIGAN,

PASSED AT THE
REGULAR SESSION OF 1895,
WITH AN APPENDIX CONTAINING JOINT AND CONCURRENT RESO-
LUTIONS, AND THE STATE TREASURER'S REPORT
FOR 1894-5.



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1895

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NOTE.—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich., 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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PUBLIC ACTS

OF

THE LEGISLATURE

1895.

PUBLIC ACTS, 1895.

[No. 1.]

AN ACT to provide for the incorporation of Masonic associations.

SECTION 1. *The People of the State of Michigan enact,* That Masonic associations may be incorporated under the provisions of this act. Masonic associations may incorporate.

SEC. 2. Any ten or more residents of this State, who are members of any chartered body, or of different chartered bodies of the order of Free and Accepted Masons, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgment of deeds, and shall set forth: Number who may incorporate.

First, The names of the persons associating in the first instance, their places of residence and the name and location of the Masonic body or bodies to which they severally belong; Names of persons, etc.

Second, The corporate name by which such association shall be known in the law; Corporate name of association.

Third, The purpose of the association, which shall be to provide a building or buildings to be used for Masonic purposes, and the period for which such association is incorporated, not exceeding thirty years. Purpose and period of existence.

SEC. 3. A copy of said articles of association shall be filed with the county clerk of the county within which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body corporate by the name expressed in such articles of association. A copy of such articles of association, under the seal of the county clerk in whose office said record is kept, and certified by him, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such association. Copy of articles to be filed with county clerk.

Copy of articles prima facie evidence of existence of corporation.

SEC. 4. Every corporation organized under the provisions of this act may take, receive, purchase and hold in its corporate capacity, and for its corporate purposes, real and personal property, and the same or any part thereof demise, sell, convey, use and dispose of at pleasure; and may erect and own suitable Powers and duties of association.

To erect buildings for masonic purposes.

building or buildings to be used in whole or in part for meetings of Masonic bodies, and may borrow money, and for that purpose may issue its bonds and mortgage its property to secure the payment of said bonds.

Power to issue shares of stock.

SEC. 5. Every such corporation shall have full power and authority to provide by its laws for the issuing of certificates or shares of stock and for the manner in which the same shall be held and represented.

Provision for election of trustees and number of.

SEC. 6. Every such corporation shall have power to provide by its by-laws for succession to its original membership and for new membership; and shall also have power to provide by its by-laws for election from its members of a board of trustees, and to fix the number and term of office of such trustees. But such board shall not be less than five in number, and such term of office shall not exceed three years.

Management by board of trustees; board may borrow money.

SEC. 7. The management and control of the business, affairs and property of such corporation shall be vested in said board of trustees, and said board shall have power to borrow any money, and cause to be made and issued any bonds and mortgages authorized by section four of this act. Said trustees shall appoint from their own number a president, secretary and treasurer, who shall perform the duties of their respective offices in accordance with the rules and regulations prescribed by the board of trustees.

This act is ordered to take immediate effect.

Approved February 15, 1895.

[No. 2.]

AN ACT to amend section twenty-four of act number one hundred and ninety, public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting, and to prevent fraud and deception at elections in this State," approved July three, eighteen hundred and ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-four of the act described in the title to this act, be and the same is hereby amended so as to read as follows:

Proceedings when elector is challenged.

SEC. 24. If any person offering to vote shall be challenged as unqualified by any inspector, challenger, or any elector qualified to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him such of the following oaths as he may claim to contain the grounds of his qualifications to vote:

Forms of oath when elector is challenged.

1. You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States,

that you have resided in this State six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

2. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this State six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

3. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the first day of January, one thousand eight hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election; or

4. You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State two years and six months prior to the eighth day of November in the year one thousand eight hundred and ninety-four, that you declared your intention to become a citizen of the United States, pursuant to the laws thereof, two years and six months prior to said eighth day of November, that you have resided in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election and that you have not voted at this election; or

5. You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this State six months, and in this township (ward, or voting precinct, as the case may be) twenty days next preceding this election, and that you have not voted at this election.

If such person so challenged will take either of the above oaths, his vote shall be received; but if such person shall therein swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury. Penalty for swearing falsely.

This act is ordered to take immediate effect.

Approved February 18, 1895.

[No. 3.]

AN ACT to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties.

CHAPTER I.

Incorporation
of villages.

SECTION 1. *The People of the State of Michigan enact,* That all villages hereafter incorporated shall be incorporated under, and be subject to the provisions of this act.

Who may incor-
porate.

SEC. 2. Any part of a township or townships not included in any incorporated village, containing an area of not less than one square mile, and a resident population of not less than three hundred persons, may be incorporated as a village as hereinafter provided.

Application for
incorporation.

SEC. 3. Any number of legal voters, not less than thirty, residing within such territory, may make application for the incorporation of such proposed village to the board of supervisors of the county in which such territory may be situated, at any regular session of such board.

Before making
application cen-
sus to be taken.

SEC. 4. Such persons shall within sixty days before making such application, cause an accurate census to be taken of the resident population of such territory; which census among other things, shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto.

Notice to be
given.

SEC. 5. The persons intending to make such application shall give notice that they will apply to the board of supervisors of the county in which such territory shall lie, on some day therein specified, for an order incorporating such territory as a village; such notice shall describe the boundaries of the territory proposed to be incorporated, and shall specify the township or townships in which it lies.

Notice to be
published.

SEC. 6. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for four successive weeks immediately previous to the time therein specified for making such application; and if there shall be no such paper, such notice shall be printed in some newspaper, if there be one printed in said county, and having a general circulation therein, and posted in at least five public places in such territory, at least four weeks immediately before the time so specified therein.

Application to be
by petition.

SEC. 7. Such application shall be by petition, subscribed by the applicants, who shall be residents of such territory and legal voters therein, giving the name of the proposed village, describing such territory and setting forth the number of persons residing therein according to such census; such census and the affidavit verifying the same, and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition; and it

shall be presented at the time specified in such notice, or as soon thereafter as the applicants can be conveniently heard in respect thereto.

SEC. 8. The board of supervisors shall hear all the parties interested therein, who shall appear and ask to be heard; it may adjourn the hearing from time to time; it may direct that a new census be taken, and appoint a person or persons to take the same; and it shall consider and determine the advisability of ordering such incorporation, and as to whether the whole or what portion of [the] territory included in the application shall be incorporated.

Board of supervisors to hear parties interested.

SEC. 9. If such board, after hearing the parties, shall be satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory as determined upon contains the population required by this act, it shall make an order declaring that such territory as determined upon shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and said board shall in such order

When board of supervisors to declare village incorporated.

appoint the time and place of holding the first election; and shall also appoint four discreet persons, residents of such territory and qualified electors therein, who shall constitute a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election. The said board of registration shall meet on the Saturday next preceding said first election, and shall remain in session the same hours required of boards of registration for general elections, and register the names of all persons residents of said village, presenting themselves for registration, and having the qualifications of voters at annual township meetings, due notice of the time and place of which registration shall be given by said board, by posting notices thereof in five public places in said village, at least ten days previous to said meeting. Such application and affidavit verifying the same, with copy of notice of hearing and proof of the posting or publishing of the same, and all the proceedings of such board of supervisors touching such incorporation shall be entered upon the records of said board, and all papers relating thereto shall be filed with the clerk of the county in which such proceedings are had and taken, and the county clerk of said county shall thereupon transmit a certified copy of such order of incorporation to the Secretary of State, who shall file and record the same in his office. The original order of incorporation, or a certified copy thereof, by the county clerk of such county, or a certified copy of the copy thereof on file in the office of the Secretary of State, by the Secretary of State shall be *prima facie* evidence of such incorporation, and of the regularity thereof in all courts and places.

Time of holding first election.

Meeting of board of registration.

Order of incorporation to be filed with Secretary of State.

SEC. 10. The inspectors so appointed shall give notice of the time and place of holding such election, and the officers to be elected at such election, by posting up written or printed notices thereof in at least five public places in such territory, at least three weeks previous to the day appointed for holding

Notice to be given of time and place of holding election.

the same, or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at seven o'clock in the forenoon, and shall close at five o'clock in the afternoon.

Qualification for voting at first election.

SEC. 11. Every elector residing in such territory, and qualified to vote for township officers in the township in which such territory or some part thereof may be situate, may vote at all elections in said village, and all the laws of this State in relation to the election of township officers, canvass of votes, certifying the election of officers, and notifying them of their election, shall apply to such first election of officers in such village, so far as the same may be applicable and not inconsistent with the provisions of this act.

Villages incorporated to be bodies politic.

SEC. 12. All villages hereafter incorporated shall be bodies politic and corporate under and by the corporate name assumed by or designated for them as hereinbefore provided, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they were incorporated, have a common seal, and change the same at pleasure, and exercise all the powers in this act conferred.

Service of process, on whom served.

SEC. 13. Service of process in suits against corporations organized under this act may be made on the president or clerk of the village, or, in their absence, upon any of the trustees thereof.

Who to constitute village board of registration.

SEC. 14. After the first election the clerk and two of the trustees, to be appointed each year by the council, shall be the village board of registration. On the Saturday previous to the day of holding any annual or special election, and on any other days that the council may appoint, the board shall be in session from nine o'clock in the morning until eight o'clock in the afternoon, for the purpose of completing the registration of the electors of the village; and in case of the absence of said clerk, or of either of the trustees so appointed, those who shall be in attendance are authorized to appoint some competent person to fill the vacancy occasioned by such absence. Notice of the time and place of holding such meeting shall be given with the notice of said election. The members of the board of registration shall each receive two dollars per day as compensation.

Registration to conform with registration laws in townships.

SEC. 15. In making and completing any such registration, the board shall proceed in the same manner and conform to the same rules, as near as may be, as are provided by law for registering electors in townships.

CHAPTER II.

OFFICERS.

Village officers.

SECTION 1. In each village the following officers shall be elected, viz., a president, six trustees, one clerk, one treasurer, who shall be ex officio collector, and one assessor. The president and trustees shall constitute the village council.

SEC. 2. The president shall, by and with the consent of the council, appoint a village marshal and a street commissioner, and such other officers as shall be provided for by resolution or ordinance of the council, and the council may, from time to time, provide by ordinance or resolution for the appointment of such other officers, whose election or appointment is not herein specially provided for, as they shall deem necessary for the execution of the powers granted by this act, and the powers and duties of such officers shall be prescribed by the council: *Provided*, That the marshal may also be appointed as street commissioner.

President to
appoint certain
officers.

Provided.

SEC. 3. Appointments to office, excepting appointments to fill vacancies, shall be made on the second Monday in April in each year, unless a different time shall be prescribed in the ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day, or on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular or special meeting of the council.

When appoint-
ments to be
made.

SEC. 4. The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected, and until their successors are elected and qualified and enter upon the duties of their offices: *Provided*, That no person shall be eligible to the office of treasurer for more than two successive terms.

Term of office.

Provided.

SEC. 5. The trustees shall hold their offices for the term of two years from the second Monday in March of the year when elected, and until their successors are qualified and enter upon the duties of their offices; except that at the first election held in any village incorporated subject to the provisions of this act, six trustees shall be elected, three for the term of one year and three for the term of two years from the second Monday of March in the year when elected, and annually thereafter three trustees shall be elected for the term of two years.

Term of trustees
of village.

SEC. 6. All appointive officers, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Monday of April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies shall hold their office until the next annual election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

Term of appoint-
ive officers.

SEC. 7. No person shall be elected or appointed to any office unless he shall be an elector of the village. And no person shall be elected or appointed to any office in the village who has been or is a defaulter to the village or to any board of officers thereof, or to any school district, county or other

Qualification
for office.

municipal corporation of the State. All votes for or any appointment of any such defaulter shall be void. All officers of the village, elected or appointed, shall take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Official oath and bond.

SEC. 8. Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

Council may require additional bonds.

SEC. 9. The council may, at any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement within fifteen days shall subject the officer to immediate removal from office by the council.

VACANCIES IN OFFICE.

Resignations.

SEC. 10. Resignations of officers shall be made to the council.

When office vacated.

SEC. 11. If any officer shall cease to be a resident of the village during his term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

When council may declare office vacated.

SEC. 12. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previously thereto he shall file the oath and give the requisite bond or security.

Vacancy of president and trustees, how filled.

SEC. 13. Any vacancy occurring in the office of president, trustees or any other elective office, shall be filled by appointment by the council, and such appointee shall hold his office until the next annual election thereafter. All vacancies in any other office shall be filled by the president, by and with the consent of the council.

Surety not exonerated.

SEC. 14. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Property to be delivered to successor.

SEC. 15. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys, and

effects in his custody as such officer, and in any way appertaining to his office; and every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed an officer within the meaning and provisions of such general laws of the State.

CHAPTER III.

ELECTIONS.

SECTION 1. After the first election an annual election of officers shall be held on the second Monday in March in each year, at such place in the village as the council shall designate. Annual election.

SEC. 2. Special elections may be appointed by resolution of the council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election. Special election.

SEC. 3. The president and clerk, and two of the trustees, or any four of the trustees, to be appointed by the council, shall be the inspectors of election. The president, when present, shall be chairman of the board of election inspectors, and the clerk, if present, shall act as clerk of the election, and the inspectors shall appoint one of their number to act as second clerk. In case four of the inspectors do not attend at the opening of the polls, or shall not remain in attendance, such vacancy shall be filled as provided by the general election laws of the State, and in case either the president or clerk, or both of them, are absent, the inspectors shall designate from their number a chairman and a clerk. Each inspector of election shall receive as compensation two dollars per day. Who to be inspectors of election.

SEC. 4. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk, at least eight days before such election, by posting such notices in three public places in the village, and by publishing a copy thereof in a newspaper in the village, if any is published therein, the same length of time before the election; and in case of a special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Compensation of inspectors.

SEC. 5. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such village for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of Notice of time of holding election to be published.

Council to appoint board of election commissioners.

counties. The council shall also provide and cause to be kept by the clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships.

Opening and
closing of polls.

SEC. 6. On the day of elections, the polls shall be opened at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before the closing thereof.

Manner of con-
ducting elec-
tions.

SEC. 7. All elections in said village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

Canvass of votes
to be public.

SEC. 8. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots in the office of the village clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at general elections.

Certificate of
election.

Council to deter-
mine result of
election.

SEC. 9. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the clerk shall make duplicate certificates of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of the county

in which the village is located, and the other shall be filed in the office of the village clerk.

SEC. 10. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

In case of tie council to determine by lot.

SEC. 11. It shall be the duty of the clerk, within five days after the meeting and determination of the council, as provided in this chapter, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of the appointment.

Village clerk to notify persons elected.

SEC. 12. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council the names of all persons elected or appointed to any office, who shall have neglected to file such oath or bond.

Clerk to report failure of officers to file oath or bond.

SEC. 13. The council of any village having more than six hundred and fifty electors according to the poll list of the last preceding election, may cause such village to be divided into two or more voting precincts, and the manner of making such division, the registration, and holding of elections and of canvassing the votes, and all other matters pertaining to the division of villages into voting precincts, and of the holding of elections therein, shall be governed by the general laws of the State relating thereto.

Division of village into voting precincts.

CHAPTER IV.

DUTIES OF OFFICERS.

PRESIDENT.

SECTION 1. The president shall be the chief executive officer of the village. He shall preside at the meetings of the council. He shall be deemed a member of the council, but he shall have no right to vote upon any question except in case of a tie, in which case he shall give the deciding vote. He shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village and over the public property belonging thereto, see that the laws relating to the village and the ordinances and regulations of the council are enforced.

Duties of president.

SEC. 2. The president shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

President to be conservator of the peace.

May remove
certain officers.

SEC. 3. The president may remove any officer appointed by him at any time when he shall deem it for the public interest and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the village.

Acting president.

SEC. 4. In the absence or disability of the president, the president *pro tempore* of the council shall perform the duties of the president.

CLERK.

Clerk, duties of.

SEC. 5. The clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the village, not by this act or the ordinances of the village entrusted to some other officer; he shall be clerk of the council, and shall attend its meetings. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, then the council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being. The clerk shall record all the proceedings and resolutions of the council, and shall record, or cause to be recorded, all the ordinances of the village. He shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the village, except as to the filing of chattel mortgages; and he shall have authority to administer oaths and affirmations.

To be general
accountant.

SEC. 6. The clerk shall be the general accountant of the village; and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the village, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the village treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

To have charge
of books, vouchers,
etc.

SEC. 7. The clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the village, and of all its debts and

liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all the moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund.

SEC. 8. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

To report to council financial condition of village.

TREASURER.

SEC. 9. The treasurer shall have the custody of all moneys, bonds other than official, mortgages, notes, leases, and evidences of value belonging to the village; he shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon warrants signed by the clerk and president, which shall specify the purpose for which the amounts thereof are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued; but no person shall be eligible to the office of village treasurer for more than two years in succession.

Treasurer, duties of.

SEC. 10. The treasurer shall render to the clerk on the first Monday of every month, if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the village, if any be published therein.

To report to clerk.

Make financial exhibit to council.

To take vouchers
for money paid
from treasury.

SEC. 11. Said treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the village shall be surrendered and filed with the clerk.

To keep moneys
separate.

SEC. 12. The treasurer shall keep all moneys in his hands belonging to the village separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt in his custody or keeping, for his own use or benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the council, on proof of the fact, are authorized to declare the office vacant and appoint his successor for the remainder of his term.

MARSHAL.

Marshal to be
chief of police.

SEC. 13. The marshal shall be the chief of the police of the village. As police officer he shall be subject to the direction of the president and council. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the village, are promptly enforced. As peace officer he shall, within said village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall have power to serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the village. Such process may be served anywhere within the county in which said village is located.

To keep record
of arrests.

SEC. 14. The marshal shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of the arrest, the age and nationality of the person arrested, and if discharged without being taken before a court, the reason for such discharge, which record shall be the property of the village.

To report in
writing to coun-
cil.

SEC. 15. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the village treasury during the same week when received, and the treasurer's receipt therefor shall be filed with the clerk.

To collect fees
for service
performed.

SEC. 16. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services.

SURVEYOR.

SEC. 17. The village surveyor, if one is appointed, shall have and exercise within the village, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates required by the council or officers of the village, relating to the public improvements, buildings, grounds, and streets of the village; and all plats, maps, surveys and diagrams made by him as such surveyor shall be the property of the village, and shall at the expiration of his term of office be delivered by him to his successor in office.

Powers and
duties of sur-
veyor.

STREET COMMISSIONER.

SEC. 18. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the village, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Duties of street
commissioner.

SEC. 19. He shall make a report to the council, in writing and on oath once in each month giving an exact statement of all labor performed by him or under his supervision and the charges therefor; the amount of material used and the expense thereof and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report.

To make report
in writing to
council.

ASSESSOR.

SEC. 20. The assessor shall perform such duties in relation to assessing property and levying taxes in the village as are prescribed by this act.

Duties of
assessor.

COMPENSATION.

SEC. 21. The president and trustees shall serve without compensation. All other officers except where other provision is made herein or by law regulating fees for services shall receive such compensation as the council shall prescribe.

Compensation
of officers.

CHAPTER V.

VILLAGE COUNCIL.

SECTION 1. The legislative authority of villages shall be vested in a council consisting of the president and trustees.

Village council.

President of,	SEC. 2. The president shall be president of the council, and preside at the meetings thereof.
President pro tem.	SEC. 3. On the second Monday in April in each year, or as soon thereafter as may be, the council shall appoint one of their number president <i>pro tempore</i> of the council, who in the absence of the president shall preside at the meetings thereof, and exercise the powers and duties of president. In the absence of the president and president <i>pro tem.</i> , the council shall appoint one of their number to preside.
Council to hold regular meetings.	SEC. 4. The council shall hold regular stated meetings for the transaction of business, at such times as it shall prescribe, not less than one of which shall be held in each month. The president or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each trustee, or be left at his place of residence at least six hours before the meeting: <i>Provided</i> , That if all the members of the council shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.
Proviso.	
To prescribe rules and regulations.	SEC. 5. The council shall prescribe the rules of its own proceedings, and shall keep a record thereof. All meetings and sessions of the council shall be public. A majority of the trustees shall be a quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold, or disposed of, or any public improvement ordered, unless by a concurring vote of two-thirds of all the trustees elect, which vote shall be taken by yeas and nays, and entered upon the journal; no money shall be appropriated except by ordinance or resolution of the council, nor shall any such ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring yea and nay vote of two-thirds of all the trustees elect.
Appropriation of money.	
Members of council not to be interested in contracts.	SEC. 6. No member of the council, nor any officer of the corporation, shall be directly or indirectly interested in any contract or service made by, or to be performed for the corporation: <i>Provided</i> , That this shall not prevent officers receiving compensation authorized by this act. Any violation of the provisions of this section shall work forfeiture of the office, and on proof thereof the council may declare the office vacant.
Proviso.	
Council to audit accounts against village.	SEC. 7. The council shall audit and allow all accounts chargeable against the village; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the village, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such

as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the village for personal injuries or otherwise that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Accounts to be itemised.

CHAPTER VI.

ORDINANCES.

SECTION 1. The style of all ordinances shall be: "The village of ordains." All ordinances except as herein otherwise provided shall require, for their passage, the concurrence of a majority of the council. No ordinance imposing a penalty shall take effect in less than twenty days after its passage.

Style of ordinances.

SEC. 2. When by the provisions of this act the council of any village has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of the county in which the village is located, or in any other place of confinement provided by the village for such purpose, in the discretion of the court.

Authority to impose fines and penalties.

SEC. 3. All ordinances, when regularly enacted, shall be recorded by the clerk of the council, in a book to be called "the record of ordinances," and it shall be the duty of the president and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

SEC. 4. Within one week after the passage of any ordinance, the same shall be published in a newspaper printed in the village, [if] in any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three of the most public places in the village; and the clerk shall, immediately after such publication or posting, enter in the record of ordinances, in a blank space to be left for such pur-

To be published.

Certificate of publishing to be prima facie evidence of publication.

Judicial notice.

Prosecutions to be begun within one year.

Penalties may be recovered by suit.

Warrant to be in name of State.

Village to be allowed use of county jail.

pose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication or posting. Such certificate shall be *prima facie* evidence of the due publication and posting of the ordinance.

SEC. 5. Whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any village, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

First, From a record thereof kept by the clerk;

Second, From a copy of the ordinance, or of the record thereof, certified by the clerk under the corporate seal of the village;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

SEC. 6. Prosecutions for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the village, or in the township in which the village, or some part thereof, is located. Any justice of the peace of the village or of the township in which the village or some part of it, is situated, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the village, and to inflict punishment for violations thereof as provided in the ordinances.

SEC. 7. Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the village may, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially in the form and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as nearly as may be, to the provisions of law regulating proceedings in criminal causes cognizable by justices of the peace.

SEC. 8. Every village shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and the sheriff, or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged. In all cases of imprisonment for breaches of the penal laws of this

State, such receiving and keeping in such jail shall be at the expense of the county in which the village is located; in all other cases it shall be at the expense of the village.

SEC. 9. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to state or set forth such ordinance, or any of the provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage, adoption or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty, as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the village, referring thereto by its title, and the date of its passage, adoption or approval. In all prosecutions for violations of the ordinances of the village, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and, in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and, in suits commenced by summons, as in civil cases triable before such magistrate. No inhabitant of the village shall be incompetent to serve as a juror in any cause in which the village is a party or interested, on account merely of such interest as he may have, in common with the inhabitants of the village, in the results of the suit.

Not necessary to recite ordinance in complaint or warrant.

SEC. 10. Any person convicted of a violation of any ordinance of the village in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the village is located, by appeal or writ of *certiorari*, and the time for such appeal or removal, and the proceedings therefor, and the bond or security to be given thereon and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the village may be a party, brought to recover any penalty for such violation, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil cases tried before justices of the peace, except that the village shall not be required to give any bond or security thereon.

Appeals to circuit court.

SEC. 11. The council shall have power to provide and maintain a village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village, and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for non-payment of fines for violation of the ordinances of the village, may be kept at hard labor during the term of their

Council to provide a village prison.

imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Prosecutor to
file security for
costs in proceed-
ings.

SEC. 12. In all prosecutions for violations of the ordinances of the village, commenced by any person other than an officer of the village, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Fines, to whom
paid.

SEC. 13. All fines imposed for violations of the ordinances of the village, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the village treasury except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt therefor, and file the same with the clerk.

Suit to be com-
menced against
person not pay-
ing over fines.

SEC. 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the village, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Failure to pay
over fines a mis-
demeanor.

CHAPTER VII.

POWERS OF COUNCIL.

General powers
of council.

SECTION 1. Every village subject to the provisions of this act, shall, in addition to such other powers as are [conferred] confirmed, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

First, To restrain and prevent vice and immorality;

Second, To punish vagrants, disorderly persons and common prostitutes;

Third, To abate nuisances and preserve the public health;

Fourth, To prohibit and suppress disorderly and gaming houses;

Fifth, To regulate, license, or suppress billiard tables and ball alleys;

Sixth, To suppress gaming;

Seventh, To suppress saloons for the sale of spirituous and intoxicating liquors, and license taverns and eating houses;

Eighth, To regulate and license public shows and exhibitions;

Ninth, To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law; and also to require transient traders and dealers to take out licenses before engaging in business, and may regulate by ordinance the terms and conditions of issuing the same;

Tenth, To license and regulate hacks and other public vehicles;

Eleventh, To provide for and regulate the inspection of provisions;

Twelfth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by venders;

Thirteenth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the village;

Fourteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village;

Fifteenth, To make ordinances for the organization and regulation of the fire department and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits;

Sixteenth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Seventeenth, To require horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes or alleys in the village, to be securely fastened, hitched, watched or held;

Eighteenth, To prevent and punish horse-racing and immoderate driving in any street, park, or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, park, or alley in the village;

Nineteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any ordinance of the village;

Twentieth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Twenty-first, To prevent the erection and provide for the removal of all buildings deemed unsafe;

Twenty-second, To regulate the placing and provide for the preservation of horse or hitching posts;

Twenty-third, To declare and define the powers and duties of the officers of the village, whose powers and duties are not specifically prescribed in this act;

Twenty-fourth, To require the treasurer, marshal, and such other officers of the village as the council shall deem proper, to give bonds for the discharge of their official duties;

Twenty-fifth, To see that the several officers of the village perform their duties faithfully and that proper measures are taken to punish neglect of duty on the part of any of such officers;

Twenty-sixth, To provide for the care, custody, and preservation of the public property of the village;

Twenty-seventh, To adopt such other ordinances and make such other regulations for the safety and good government of the village and the general welfare of its inhabitants as are not inconsistent with the general laws of this State.

LICENSES.

Council may prescribe terms for licenses.

Licenses may be revoked.

Penalty for not having license.

Support of the poor.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as shall be reasonable and proper. The person receiving the license shall, if required by the council or ordinance of the village, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. And the council may provide for punishment, by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. The council of any village may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the village; and for that purpose may provide, by ordinance or resolution, for the appointment of a director of the poor for the village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

POUNDS. *

SEC. 3. The council may provide and maintain one or more pounds within the village, and may appoint pound masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the village; and if there shall be no pound or pound master they may provide for the impounding of such beasts and fowls by the village marshal, in some suitable place, under his immediate care and inspection and may confer on him the powers and duties of pound master. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

Council may provide pounds and appoint pound masters.

Fees for impounding.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SEC. 4. Any village may acquire, purchase, and erect such public buildings, as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and for the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold at public sale, or leased, as occasion may require: *Provided, however,* That no public parks shall be sold without the consent of a majority of the qualified electors of the village.

Village may acquire buildings and real estate.

Provido as to sale of park.

SEC. 5. When the council shall deem it for the public interest, grounds and buildings for the village prison, hospital and pest-house, may be purchased, erected and maintained beyond the corporate limits of the village; and in such cases the council shall have authority to enforce beyond the corporate limits of the village, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest-house or hospital.

Prison, etc., may be maintained beyond village limits.

SEC. 6. The council shall have authority to lay out, establish, or vacate and discontinue public parks and grounds within the village, and to improve, light and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and injury.

Care and improvement of public parks.

STREETS AND SIDEWALKS.

Supervision of streets, bridges, and public grounds.

Liability for damages sustained on.

Proviso as to care of bridges.

Grade of streets and alleys.

Repair of and cost of.

Owners of property may be required to build sidewalks according to specifications.

SEC. 7. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the village, and shall have the like authority over the same as is given by the general laws of the State. No village subject to the provisions of this act shall be liable in damages sustained by any person in such village, either to his person or property, by reason of any defective street, sidewalk, cross walk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, cross walk or public highway situated in such village unless such person shall serve or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the clerk or deputy clerk of such village which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such village liable for such damages as may have been sustained by him: *Provided*, That the bridges within the limits of any village in the highways leading into or through said village which have been or shall hereafter be laid out by the commissioners of highways of the township or townships in which said village may be located or established by any other lawful authority, except the authority of such village, shall be built, controlled and kept in repair by the township or townships in which they may be located, the same as if said village were not incorporated, and all the other bridges in said village shall be built, controlled and kept in repair by said village.

SEC. 8. The council shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and cross walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may by a two-thirds vote of all the trustees elect pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund or from the street district fund of any street district in which such walk may be located.

SEC. 9. The council shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances: *Provided*, That the council may, by a two-thirds vote of all the trustees elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the village, and for the removing of all ice and snow therefrom, and for keeping the same free from incumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which such sidewalk may be located.

Removal of snow and ice by property owners.

Proviso as to same work being done by village.

SEC. 10. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last section, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired, at the expense of such owner or occupant, and the council may cause the amount of all expenses incurred thereby, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for by this act; and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the assessor of the village to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other village taxes; or the village may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

On failure of owner to repair, village may do work.

Cost of to be assessed against property.

SEC. 11. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

Signs and awnings over sidewalks.

SEC. 12. The council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the village whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner provided in this act. The expense of

Taking of private property for public improvement.

To be paid for
by special as-
sessment.

such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments, or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund.

Resolution of
council as to
public improve-
ment.

SEC. 13. When the council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the council may be filed with the clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of two-thirds of the trustees elect.

Objections to.

Survey of streets
and grounds.

SEC. 14. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be *prima facie* evidence of all matters therein set forth.

Recording of.

Resolution
vacating to be
prima facie evi-
dence.

Conformity of
buildings to
street grades.

SEC. 15. The council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the clerk.

Diagram of
grades to be
recorded.

Compensation to
owner of prop-
erty for change
of grade.

SEC. 16. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter thirteen of this act or said damages may be ascertained and agreed upon by

and between such village and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the council shall deem equitable and just, shall be paid by the village, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in said village which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which such damages arise; but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter eight of this act relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, or when determined upon by the village, shall be paid to the person entitled thereto.

To be paid by village and property owners benefited.

Manner of making assessment.

PAVING AND IMPROVEMENTS.

SEC. 17. The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village.

Construction of bridges, culverts and paving.

SEC. 18. The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working, including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the village; or, the village may be divided into street districts, and a part of the whole expense of improving and working the streets, in each district may be paid from a street district fund, to be raised by a tax upon the property in the district. The expense of grading, paving, graveling and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street; or a part of such expense may be so paid and the remainder may be paid from the general highway fund, or from the street district fund, as the council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall

Expense of bridges may be paid from general fund.

City may be divided into street districts.

Expense of paving, grading, etc., streets.

include curbing and the construction of cross walks in the paved streets.

Expense appor-
tionable to pub-
lic buildings
to be paid from
highway fund.

SEC. 19. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the village, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

Assessment of
improvements
by frontage.

STREET REGULATIONS.

Prevention of
obstructions on
streets and
alleys.

SEC. 20. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

Planting of
shade trees.

SEC. 21. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the village, and for the protection thereof, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Opening of
streets for laying
pipes, sewers,
etc.

SEC. 22. The council may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Travel on high-
ways.

SEC. 23. The council may regulate the use of public highways, streets, avenues and alleys of the village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other arti-

Stands for
vehicles.

oles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon highway commissioners in townships.

Awnings, traffic, amusements, etc., on streets.

Prevention of nuisances on streets.

Council to have powers of highway commissioners.

SEWERS, DRAINS AND WATER-COURSES.

SEC. 24. The council of any village may establish, construct and maintain sewers, drains and water-courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the village; and private property, or the use thereof, may be taken therefor in the manner provided by this act for taking private property for public use. But in all cases where the council shall deem it practicable, such sewer, drain and water-courses shall be constructed in the public streets and grounds.

Construction of sewers.

SEC. 25. The expense of constructing sewers, drains and water-courses may be paid by general tax upon all the taxable property in the village; or such expenses may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

Manner of paying expenses of.

SEC. 26. Before proceeding to the construction of any sewer, drain or water-course, the expense or any part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also its depth, grade and

Map of sewer district to be made.

To be filed with clerk.	dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by publication in a newspaper of the village for two weeks or by posting copies of such notice for the same length of time, in three public places in the village, of the intention to construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.
Council to hear objections to.	
Building of sewers to be declared by resolution.	SEC. 27. When the council shall determine to construct any such sewer, drain or water-course, they shall so declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense if any, is to be paid by general tax, and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the clerk.
Manner of making special assessment.	SEC. 28. Special assessments for the purposes aforesaid shall be made in the manner provided in chapter eight of this act.
Construction of private drains.	SEC. 29. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.
Connection of private drains with public sewers.	SEC. 30. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.
Tax for such connection.	SEC. 31. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.
Expense of ditches to be paid for by special assessment.	SEC. 32. Such part of the expense of providing ditches and improving water-courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.
Expense of sewers to be paid by general tax.	SEC. 33. The expenses of repairing public sewers, ditches and water-courses may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner

herein prescribed for paying the expenses of the construction thereof.

SEC. 34. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the village. Ordinances for control of sewers.

HARBORS, WHARVES AND HARBOR MASTERS.

SEC. 35. The council of any village located upon or adjacent to any of the navigable waters of the State shall have the power to establish, construct, maintain and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of the village, including property at the foot or end of public streets; and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than ten years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage. Construction and regulation of wharves, docks, etc.

SEC. 36. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained. Idem.

SEC. 37. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the village; to regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public wharves, docks and landings, and to collect wharfage and dockage from boats, water-craft, and floats landing at or using any public landing place, wharf, or dock within the village. Idem.

SEC. 38. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the village, to control and regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the village; and to regulate and prescribe by such ordinances, or through a harbor master or other officer, such location of any boat, craft, vessel, or float, and such changes of station in, and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels and floats, and to regulate the opening and passage of bridges; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States, or this State, as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy Preservation of purity of waters. Use of harbor, rivers, etc., by boats.

of the harbor, navigable waters, wharves, docks, piers and landing places within the village.

Harbor master.
appointment,
duties and com-
pensation of.

SEC. 39. The council may also appoint a harbor master whose duty it shall be to enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to, and over the navigable waters, harbors, wharves, docks, landings and basins within the village, and in respect to the navigation, trade and commerce of the village, and prescribe the powers and duties of such harbor master and fix his compensation.

FERRIES.

License of
ferries.

SEC. 40. The council of any village may regulate and license ferries from such village, or any place of landing therein, to the opposite shore, or from one part of the village to another; and may require the payment of such reasonable sum for such license as the council shall deem proper; and may impose such reasonable terms and restrictions, in relation to the keeping and management of ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper, and may provide for the revocation of any such license, and for the punishment, by proper fines and penalties, for violations of any ordinance prohibiting unlicensed ferries, or regulating those established and licensed.

MARKETS.

Markets and
market places,
establishment
of.

SEC. 41. The council of any village shall have the power to establish and regulate markets and market places, for the sale of meats, fish, vegetables, and other provisions and articles necessary for the sustenance and convenience of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Unsound meats,
etc., sale of
prohibited.

SEC. 42. The council may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any article in his possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or elsewhere in the village.

PARTITION FENCES.

Partition
fences.

SEC. 43. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them

respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

Appointment of
fence viewers.

POLICE.

SEC. 44. The council of any village may provide for and establish a police force, and may authorize the president to appoint, by and with the consent of the council, from time to time, such number of policemen and night watchmen as they shall deem expedient for the good government of the village, and for the protection of the persons and property of the inhabitants, and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Police force,
provision for.

SEC. 45. The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the village.

Rules and gov-
ernment of.

SEC. 46. The village marshal shall be the chief of the police, and subject to the president, shall have the direction of the police of the village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the village in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the council for the good government of the village.

Village marshal
to be chief of
police.

PUBLIC HEALTH.

SEC. 47. The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or

Public health.

believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require.

Nuisances.

SEC. 48. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the village; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and in such manner as the council may by ordinance or resolution direct.

Cellars, vaults, sewers, etc., as nuisances.

SEC. 49. If any cellar, vault, lot, sewer, drain, place or premises within the village, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the council may cause the same to be drained, filled up, cleansed or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by any officer of the village.

Expense for removal.

SEC. 50. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the village in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

Offensive trades or occupations, council to locate.

SEC. 51. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercise of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place in the village, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Village hospital and treatment of sick therein.

SEC. 52. The council may provide for the appointment of the necessary officers and employes for the management of the village hospital and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the village shall seem proper; and by direction of the council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the

public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 53. The council shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers. Board of health.

SEC. 54. When the council shall deem it necessary, they may establish a board of health for the village, and appoint officers therefor, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants. idem.

CEMETERIES.

SEC. 55. Any village may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the further interment of the dead within the village, or may limit such interment therein to such cemetery or burial place as the council may prescribe. And the council may cause any bodies buried within the village, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere. Cemeteries; village may acquire and hold.

SEC. 56. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof. Council may raise appropriation for cemetery grounds.

SEC. 57. Whenever any village shall own, purchase or otherwise acquire any cemetery or cemetery grounds, there shall be appointed by the council, three trustees who shall be freeholders and electors of the village, and who shall constitute a "board of cemetery trustees." The three trustees so appointed shall hold their office for the term of three years, except that at the first appointment, one shall be appointed for one year, one for two years, and one for the term of three years from the second Monday in April of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment or skill in or for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation. To appoint cemetery trustees.

SEC. 58. The board of cemetery trustees shall appoint one of their number chairman and the village clerk shall be clerk of the board, and the council may by ordinance invest the board with such powers and authority as may Board of cemetery trustees to appoint chairman.

be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein and the appurtenances thereof, and, in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Board to be subject to directions of council,

SEC. 59. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the village clerk. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the village by the clerk and be recorded in his office at the expense of the purchasers.

Superintendent of.

SEC. 60. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the village made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the village and the laws of the State.

Cemetery fund.

SEC. 61. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom shall be paid into the village treasury and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council annually, on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Necessary ordinances.

SEC. 62. The council of any village owning a public burial ground or cemetery, whether within or without the village, may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control or regulate such cemetery or burial place and the improvement thereof, and to protect the same and the appurtenances thereof from injury and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

CHAPTER VIII.

IMPROVEMENTS AND ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz., for public buildings and offices for the use of the village officers, engine houses, and structures for the fire department, for water works, for lighting purposes, cemeteries, and parks, watch-houses, village prisons, shall be paid from the proper general funds of the village. When, by the provisions of this law, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Improvements
and assess-
ments.

SEC. 2. There shall be a board of assessors in every village, consisting of three members, who shall be freeholders and electors in the village, to be appointed annually by the president by and with the consent of the council, whose duty it shall be to make all special assessments. They shall take the constitutional oath of office. Their compensation shall be prescribed by the council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, there shall be appointed some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

Board of assess-
ors, who to
constitute.

SEC. 3. When the council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, from the general funds of the village, or from street district funds, and shall designate the district or lands and premises upon which the special assessments shall be levied.

Council to de-
clare by resolu-
tion stating
improvements
to be made.

SEC. 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed by publication for two weeks at least in one of the newspapers of the village, if any be published therein, or if not, by posting notices in three public places in the village, and of the time when the council will meet and consider any objections thereto.

Estimates of ex-
penses to be
made.

Notice given by
publication.

What costs
expenses shall
include.

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed in the last preceding tax roll. Any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the village.

Special assess-
ments to be
levied before
making im-
provement.

SEC. 6. Special assessments, to defray the estimated cost of any improvement, shall be levied or collected before the making of the improvement.

Assessments to
be made in pro-
portion to bene-
fits.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to the frontage or benefits, the council shall by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and when such assessment is completed they shall report the same to the council. If the assessment is required to be according to the frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Assessors to
make report to
council.

SEC. 8. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least in some newspaper of the village, if any be published therein, or if not, to be posted in three public places for the same length of time, of the filing of the same with the clerk, and designating a time and place when and where the council and board of assessors will meet to review the assessment and to hear any objections thereto.

Notice to be
published.

SEC. 9. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment and hear any objections thereto; and the council shall correct the same if necessary, and confirm it as reported or as corrected; or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Review of
assessment.

SEC. 10. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

When special
assessment to
be conclusive,
To be a lien
upon lots.

SEC. 11. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

SEC. 12. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.

In case of in-
sufficiency or
excess.

SEC. 13. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

In case special
assessment
deemed invalid.

SEC. 14. When any special assessment shall be confirmed and be payable as hereinbefore provided, the council may direct the assessment so made in the special assessment roll to be collected; and thereupon, the village clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the village treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant,

Special assess-
ments may be
collected from
special roll.

together with his doings thereon, within sixty days from the date of such warrant.

Duty of treasurer upon receiving roll and warrant.

When assessor may levy upon personal property.

SEC. 15. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the village or elsewhere within the county, or within any adjoining county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the village or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Marshal shall pay moneys collected into city treasury.

SEC. 16. The marshal shall pay the moneys, and all percentage collected by him, into the village treasury, and take the treasurer's receipt therefor and file the same with the clerk. The treasurer shall also make return of said assessment roll and warrant to the clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of warrant.

SEC. 17. Said warrant may be renewed from time to time by the clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the treasurer unpaid, as aforesaid, the same may be transferred to and reassessed in the next annual village tax roll, in a column headed "special assessments," with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment, and be collected and paid in all respects as provided for collecting the village taxes.

Special assessment may be collected by suit.

SEC. 18. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the village to recover judgment therefor.

SEC. 19. When any expense shall be incurred by the village upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

When expense shall be incurred an account to be reported.

SEC. 20. The council shall determine what amount or part of every such expense shall be charged, and the persons, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively to be reported by the clerk to the board of assessors for assessment.

Council to determine what amount shall be charged.

SEC. 21. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council, and thereupon the same proceedings shall be had, and with like effect as is provided in this chapter in other cases of special assessments.

Assessor to make special assessment roll.

CHAPTER IX.

FINANCE AND TAXATION.

SECTION 1. The council shall have authority to raise, by general tax upon the real and personal property liable to taxation in said village (exclusive of taxes for highway and street purposes and not otherwise provided for in this act), such sum not exceeding in any one year one and one-fourth of one per cent of the assessed value of such property, as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation, and to carry into effect the powers in this act granted. The moneys so raised shall constitute a "general fund."

Authority of council to levy taxes.

SEC. 2. The council shall also have power to raise, by general tax upon all real estate and personal property aforesaid, such sum not exceeding one half of one per cent of

Amount to be raised by tax.

the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a "general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the village and for the construction and repair of bridges therein.

Poll-tax.

SEC. 3. The council shall have power to levy and cause to be collected, in each year, a poll-tax of one dollar upon every male inhabitant of the village between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Cemetery tax.

SEC. 4. The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any one year, one-fourth of one per cent of the assessed value of the property in the village: *Provided*, That the whole amount which may be so raised for the purchase of grounds for such purpose, shall not at any time exceed five thousand dollars.

Special assessment for improvement by benefits or frontage.

SEC. 5. The council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefor.

Limit of.

Sinking fund.

SEC. 6. The council may also raise annually such further sum, not exceeding five mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay the funded debt of the village, if any, and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

Annual statement of receipts and expenditures.

SEC. 7. Within two weeks next preceding any annual village election, the council shall audit and settle the accounts of the treasurer and other officers of the village, and so far as practicable, of all persons having claims against the village, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; the amount levied by special assessment, and the amount collected on each; also the items and amounts received from all other sources during the

year, also the several items of all expenditures made during the year, and the objects thereof, classifying the same for each purpose separately, and containing such other information as shall be necessary to a full understanding of the financial concerns of the village. Said statement, signed by the president and clerk, shall be filed in the office of the clerk, and a copy thereof published in a newspaper of the village at least seven days previous to the next annual village election, if one is published therein.

To be filed with clerk and published.

SEC. 8. The assessor of every village subject to the provisions of this act shall, in each year, at and within the same time as required by the general laws of this State for the assessment of property in the townships of the State, make an assessment roll, containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the village, and the name of the owner, agent, or person liable to pay taxes therein, if known, and the names of all persons liable to pay a poll-tax in the village and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing the action of supervisors of townships performing like services, unless otherwise in this act provided: *Provided*, That whenever in any year it shall not be necessary to raise any money by taxation in any village, the council of such village may so determine by resolution, and when so determined by the council they shall certify such determination to the assessor, and such assessor shall not make any assessments of property in such village for such year.

Assessment of property, when made.

Contents of assessment roll.

Proviso as to years when assessment not needed.

SEC. 9. Immediately after the completion of such assessment roll, the assessor shall give notice thereof, and of the time and place in said village, when and where the assessment will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the village, not less than seven days before the day of review, and by publishing the same in a newspaper of the village, if any, the same length of time.

Notice of review of assessment roll.

SEC. 10. The assessor and two qualified freeholders and electors of the village to be annually appointed by the council shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session two days, for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform the like duties in all respects, as are conferred upon and required of boards of review in townships, in reviewing assessments in townships. They shall hear the complaints of all persons considering themselves aggrieved by such assessment,

Board of review, meeting, duties, and powers of.

and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the board shall correct the roll in such manner as they shall deem just: *Provided*, That the council of any village having a population of less than one thousand may by resolution passed at least seven days before the meeting of the board, determine that the board shall remain in session but one day, and thereupon such board shall remain in session but one day.

Record of changes in roll. SEC. 11. Said board of review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the clerk.

Roll to be certified to council. SEC. 12. Immediately after the review of the assessment roll as aforesaid, the board of review shall certify the roll under their hands to the council.

Council to certify roll to assessor. SEC. 13. The council, after an examination of the assessment roll, shall certify the same to the assessor, together with the amount which they require to be raised by general tax, for highway and other general purposes; and all amounts of special assessments which they require to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, endorsed upon or annexed to the roll, shall be signed by the president and clerk.

Assessor to apportion taxes. SEC. 14. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in one column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and shall also set down in another column on the roll one dollar opposite the name of every person liable to pay a poll-tax in the village; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as aforesaid, and certify upon the roll the aggregate amounts of the taxes levied therein.

Roll to be delivered to treasurer with warrant of president. SEC. 15. After extending the taxes as aforesaid, and not later than the third Monday of June in each year, the assessor shall cause said assessment roll, certified under his hand, to be delivered to the treasurer, with the warrant of the president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite

Contents of warrant.

to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named—not less than thirty nor more than fifty days from the date of said warrant. The president may renew said warrant from time to time, by order of the council, and for such time as the council shall direct: *Provided*, That the time shall not be extended later than the third Monday of October in any year.

Warrant may be extended.

Limit of.

SEC. 16. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in section fifteen, the treasurer shall proceed to collect the taxes levied therein according to the direction of said warrant, together with such percentage thereon for collection fees as shall be authorized by the council.

Treasurer to collect taxes.

SEC. 17. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said village or elsewhere in the county where such village is located, or in any adjoining county, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the treasurer may bring suit therefor, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in townships.

Collection of tax by sale of personal property.

SEC. 18. Within one week after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within one week after the time to which said warrant may have been renewed or extended, if the treasurer has been unable to collect any of the taxes on his roll on real property, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned to such county treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and amount of charges shall be collected thereon, and all taxes upon lands so returned upon lands as delinquent shall be and remain a lien thereon until paid.

Return of taxes unpaid on real property, to county treasurer.

How collected.

SEC. 19. Moneys received from such sales shall be paid over to the village treasurer. If any parcel or description of such lands shall not be sold for want of bidders, the county treasurer shall bid off the same to and for the village, and shall give a certificate of such sale, which shall

Sale of real property for taxes.

have the like effect in all respects as if the same had been given to any other purchaser, except that lands so bid off to the village shall continue liable to be taxed in the same manner as if they were not the property of the village and such taxes shall be a lien upon such lands, and all of the provisions of the general tax law relative to redemption of lands sold for taxes shall apply to the sale of such lands.

Suit for recovery
of tax on per-
sonal property.

SEC. 20. Whenever the treasurer shall be unable to collect any tax assessed upon personal property in the village it shall be lawful for the treasurer of the village to bring suit, in the name of the village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means provided by law for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, shall apply.

Money may be
borrowed in
anticipation of
taxes.

SEC. 21. The council may borrow, in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding one-fourth of the tax, as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment as may be necessary for the prosecution or completion of the improvement; and the assessment, when collected, shall be applied in payment of the loan.

Electors may
authorise loan
or tax beyond
charter pro-
vision.

SEC. 22. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a two-thirds vote of the electors voting upon the question at an annual or special village election. The amount that may be voted or raised, in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the village, as shown by the last preceding tax roll made therein.

Limit of.

Such proposition
to be submitted
by resolution of
council.

SEC. 23. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be published at least twice in a newspaper in the village, if any is printed therein, and copies of the resolution or ordinance shall be posted in six of the most public places in the village at least two weeks before the election at which the vote is

To be published.

to be taken. Such vote shall be by ballot; the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors. Vote on.

SEC. 24. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the president. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the village. How money drawn from treasury.

SEC. 25. No loans shall be made by the council, or by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the village. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable. Limit of loans. Bonds for. Record of bonds.

SEC. 26. Every bond issued by any village, shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such village to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court. Bond to contain statement of purpose. Not to be used for any other purpose. Penalty for violation.

CHAPTER X.

FIRES AND FIRE DEPARTMENT.

SECTION 1. The council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department. Fire department to be maintained.

	ment; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.
Purchase of engines, etc.	SEC. 2. The council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the village, and make all necessary provisions for a convenient supply of water for the use of the department.
Wells, cisterns, and reservoirs.	
Buildings for departments.	SEC. 3. The council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department.
Appointment of chief of fire department.	SEC. 4. The council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the president and the regulations of the council; shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property.
Chief may compel assistance at fires.	SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.
Penalty for disobedience.	
Appointment of fire wardens.	SEC. 6. The council may provide by ordinance for the appointment of and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them from time to time, of the stoves, furnaces and heating apparatus and devices in all dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire, to be put in a safe condition.
Fire limits.	SEC. 7. The council may prescribe by ordinance from time to time, limits or districts within villages having a population of five hundred or more, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.
Construction of buildings therein.	
Limit of districts for certain dangerous trades and materials.	SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or

other easily inflammable material in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Violation of
fire ordinances
a nuisance.

SEC. 10. The officers, firemen, and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at any fire.

Compensation
for members of
department.

Compensation
for injuries.

SEC. 11. The chief in charge of the department at any fire, with the concurrence of the president or any two trustees, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such village, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all [of] the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. Such jury may visit the premises and may hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be empaneled as above provided until a jury has been obtained that shall agree, and the council shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury either by the village or any claimant.

When building
may be pulled
down to arrest
fires.

Payment of
damages for.

SEC. 12. The council of any village located upon any of the navigable waters of the State may by ordinance prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires in the harbor and to prevent the communication of fire from such boats and craft,

Regulation of
water craft on
navigable
streams.

and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

CHAPTER XI.

WATER WORKS.

Construction of water works.

SECTION 1. Any village having a resident population of five hundred or over shall have authority to purchase or construct and maintain water works for the introduction of water into the village and supplying the village and the inhabitants thereof with pure and wholesome water; for the extinguishment of fires; the ordinary and extraordinary uses of the inhabitants thereof and for such other purposes as the council may prescribe.

Purchase of reservoirs and other property.

SEC. 2. The village may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction, and maintenance of such water works.

Loan of money for water works.

SEC. 3. It shall be lawful for any village subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said village, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing and maintaining water works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the village therefor, but the rate of such interest shall not exceed six per cent per annum. Such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for constructing or purchasing such water works shall not exceed the amount of the estimate of expense provided for in section four of this chapter.

Proviso as to limit of.

Question of raising money to be voted on.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase or construction of water works in any village, the council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village, at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided, however*, After water works have been purchased or constructed in a village by virtue of any of the provisions of this act, the council may then raise and expend, in making repairs or alterations, or in

Proviso as to money for repairs.

extending such works, such sum as it may see fit, without submitting the question to the electors of the village: *Provided*, That the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section one, chapter nine of this act, the council is authorized to raise.

SEC. 5. The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the council. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

Private connections.

Manner of making.

SEC. 6. The council shall establish a scale of rates to be charged and paid for supply of water, to be called water rates, and which rates shall be appropriate to different classes of buildings in the village, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates; and the council may prescribe by ordinance, when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment thereof, and may provide, in case of non-payment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

Water rates to be regulated by ordinance.

SEC. 7. The council may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the construction, management and control of such water works.

Water works, care and preservation of.

SEC. 8. When the council shall deem it for the public interest, such water works may be purchased or may be constructed and maintained beyond the corporate limits of the village; and in such case the council shall have authority to enforce beyond the corporate limits of the village, within the county or counties in which such village is situated, and over the buildings, machinery, and other property belonging to and connected with such water works, in the same manner and to the same extent as if they, or it, were within the village, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Idem.

SEC. 9. For the purpose of operating or constructing and maintaining such water works, the village shall have the right to use the ground or soil under any street, high-

Use of street or highway for.

way, or road within the county or counties within which such village is situated for the purpose of introducing water into and through any and all portions of the village, on condition that it shall cause the surface of such street, highway, or road to be relaid and restored to its usual state without unnecessary delay, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Private property
may be taken
for.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property for the construction and maintenance, or for the due operation of water works, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the village in the manner and with like effect as provided in this act for the taking of private property for public use.

Water supply,
contract for use
of wharves for.

SEC. 11. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such village and the inhabitants thereof, with water, upon such terms and conditions as may be agreed; and may grant to such person, persons, or corporation the right to the use of the streets, alleys, wharves, and public grounds of such village as shall be necessary to enable such person, persons, or corporation to construct and operate proper works for the supply of water for the use of such village, and the inhabitants thereof, upon such terms and conditions as shall be specified in such contracts.

CHAPTER XII.

LIGHTING.

Lighting works,
provision for.

SECTION 1. It shall be lawful for any village having a resident population of not less than five hundred inhabitants, to acquire by purchase or to construct, operate and maintain either independently or in connection with the water works of the village, either within or without the village, works for the purpose of supplying such village and the inhabitants thereof, or either, with gas, electric or other lights, at such times and on such terms and conditions as the council of any such village shall direct.

Idem.

SEC. 2. Whenever the council of any village shall, by resolution, declare that it is expedient for such village to acquire by purchase, or to construct as the case may be, works for the purpose of supplying such village and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Election for.

SEC. 3. In case the council shall declare that it is expedient for such village to acquire by purchase or to construct,

as the case may be, works for the purpose of supplying such village and the inhabitants thereof, or either, with electric or other lights, then the council shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village at its annual election, or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

SEC. 4. It shall be lawful for any such village to borrow any sum of money not exceeding five per cent of the assessed value of the property in said village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the village therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense therefor provided for in section three of this chapter.

Borrow money for.

Proviso as to amount.

SEC. 5. After lighting works have been purchased or constructed as aforesaid, in such village, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the village: *Provided*, That the sum to be so raised, in any one year, shall be included in, and shall not increase the total amount which, by the provisions of section one of chapter nine of this act, the council is authorized to raise.

Council may make appropriation for repairs, etc.

SEC. 6. The council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of such village with lights.

Water rates.

SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property for the construction and maintenance, or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the village in the manner and with like effect as provided in this act for the taking of private property for public use.

Appropriation of private property.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such village or the inhabitants thereof, or both, with gas, electric or other lights, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of such village

Supply of, may be by contract.

as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Preservation,
etc., by ordi-
nance.

SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XIII.

APPROPRIATION OF PRIVATE PROPERTY.

Private prop-
erty, for what pur-
poses may be
appropriated.

SECTION 1. Private property may be appropriated for public use in any village for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water courses; for sewers, drains and ditches, for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Right of, how
acquired.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the village either in the manner, and with like effect, as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

Village attorney
to institute pro-
ceedings.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the village attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the county in which such village is located, as they may designate, to carry out the object of the resolution in regard to taking private property by the village for such public use.

Clerk to make
copy of resolu-
tion and deliver
to attorney.
Attorney to file
petition.

SEC. 4. The village clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the

village, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the council, and of the passage of said resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for [a] the public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this chapter.

Petition, what to set forth.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Justice to issue summons.

SEC. 6. Said summons shall be served by the village marshal or any constable of the county in which such village is located, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian the justice may appoint

Summons to be served by marshal.

In case of failure
of service of
summons.

some discreet and proper person to be guardian *ad litem* of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court [may] make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the village, if there be one, and if not, then in some newspaper published at the county seat of the county in which such village is located, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued and the justice may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for the appearance, if any, shall be filed with such justice before a jury shall be empaneled and be sufficient evidence of service on the respondents and of the manner of service.

Alias and pluries
may issue.

Empanelling of
jury.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the village, and shall be selected and empaneled as follows: The village marshal or any constable of the county in which such village is located shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said village, and the village attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend not less than three nor more than ten days from

the date of selecting such jury, by a venire issued by him, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

SEC. 8. The jurors so empaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman or by all the jurors. Oath of jurors.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just. What jury to determine.

SEC. 10. To assist the jury in arriving at their verdict the justice may allow the jury, when they retire, to take Jury have petition and map.

with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I.

We find that it is necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Form.

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

When amendments may be made,

SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Upon filing report and award by jury, justice to enter proceedings on docket.

SEC. 12. Upon filing the report and award made by any jury, with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the village attorney, for the use of the council and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the village attorney shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made

within said forty days, all proceedings upon that report and award shall be at an end, and, a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time hereinafter provided.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the village attorney, designate some day and hour when another jury may be empaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice of the county in which such village is located as provided for above after the first jury is sworn.

In case jury disagree new jury may be empaneled.

SEC. 14. If any juror, after being sworn, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

When justice may draw other persons to serve as juror.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the village, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

When parties aggrieved may appeal to circuit court.

SEC. 16. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the village attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, set-

In case of appeal appellant to present justice a bill of exceptions.

ting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

When circuit court shall have jurisdiction.

SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case so far as affects the appellant to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court to confirm right of village to take lands.

SEC. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the village to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the village; otherwise the court shall award such costs to him or to the village as shall be just.

Payment of costs.

Clerk to record judgments.

SEC. 19. It shall be the duty of the village clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final, as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Collection of sums awarded by jury.

SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the village in the vicinity of the proposed improvement will be benefited by

such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the village benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying, and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments when ratified and confirmed by the council, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied, and collected upon the taxable real estate of the village, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the village may become a purchaser.

Certain amount may be assessed against real property benefited.

Manner of assessment and collection of awards.

SEC. 21. Within one year after the confirmation of the verdict of the jury or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum if not already provided, direct the village to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make

Payment of compensation to owners of property.

Amount may be borrowed from other funds.

When council
may enter upon
property.

May have writs
of assistance.

Fees in proceed-
ings for taking
private property.

Owners of pri-
vate property to
be proved by rec-
ords in register
of deed's office.

When council
may sell build-
ings.

and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the village clerk, which certificates shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the village attorney, may apply to the proper court and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

SEC. 22. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

SEC. 23. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of, and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken.

SEC. 25. Nothing in this chapter contained shall prevent any village from obtaining private property for any of the public uses herein specified by negotiation and purchase.

Villages may acquire private property by purchase.

CHAPTER XIV.

MISCELLANEOUS.

SECTION 1. The term village, whenever used in this act, shall be construed to mean a village incorporated under this act or subject to its provisions.

The word village construed.

SEC. 2. No village shall become the owner or holder of stock or shares in any incorporated company.

Village not to own stock, etc.

SEC. 3. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting, shall be *prima facie* evidence of the facts therein contained: *Provided*, The same be filed with the village clerk within six months from the date of the last publication thereof, or of posting the same.

Affidavit of publication.

Provide as to.

SEC. 4. Whenever any judgment or decree of any court shall be rendered or decreed against any village, and such village shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of said village to issue the bonds of such village to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such times and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said council.

In case of judgment or decree against village.

SEC. 5. Whenever in any other act than this the governing body of a village is described as the board of trustees, the trustees, or common council, it shall be construed to mean the body herein described as the village council.

Board of trustees construed.

SEC. 6. Whenever the council of any village shall determine by resolution to alter the boundaries of such village, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in such village, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change. Such petition shall contain a description by metes and bounds of the

Manner as to changing boundaries of village.

Notice to be
published in
newspapers.

lands and premises proposed to be added to or taken out of such village, and shall set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be signed by the president and clerk of such village. Before such petition shall be presented to the board of supervisors notice shall be given by the clerk of the time and place when the same will be presented for consideration, by publishing the same in a newspaper published in such village for at least three weeks immediately preceding the presentation of the same, and if no newspaper is published in such village, then by posting the same in at least three of the most public places within the village, and in at least three of the most public places of the territory directly affected thereby. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of such village. At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such village, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon the boundaries of such village shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of such village and to the Secretary of State, and such order shall be *prima facie* evidence of such change of boundaries of such village and of the regularity of such proceedings in all courts and places.

Reincorporation
of villages.

SEC. 7. All villages heretofore incorporated under any general or special law of this State, are hereby reincorporated under and made subject to the provisions of this act, such reincorporation to take effect on the twenty-fifth day of February, A. D. eighteen hundred ninety-five, and all general or special laws by virtue of which such villages have been incorporated are hereby repealed from and after the said twenty-fifth day of February, A. D. eighteen hundred ninety-five.

To succeed to
rights and obligations of former
corporations.

SEC. 8. All villages reincorporated under and made subject to the provisions of this act, as provided in the preceding section, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such villages as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabil-

ities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made:

Provided, That when a different remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the village under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Proviso when different remedy is here given.

SEC. 9. All the officers in any such village, elected or appointed under the provisions of the former act of incorporation of such village, and in office at the time this act shall take effect, shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their offices, unless herein otherwise provided for.

Present officers to serve term.

SEC. 10. The by-laws and ordinances of any such village, and the rules and regulations of the council and of any board of such village heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted, by virtue of and under the powers conferred by this act, until altered, amended or repealed by the council or board as the case may be.

By-laws to remain in force.

SEC. 11. In cases where a special assessment has been made by authority of and confirmed by the council of any such village, and the same, or some part thereof, shall not have been collected when this act shall take effect, such village, as hereby reincorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as are provided in this act.

Special assessments may be collected.

SEC. 12. All licenses granted by any such village under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

Licenses formerly granted not revoked.

SEC. 13. The first election of officers for any such village reincorporated under the provisions of this act shall be held on the second Monday in March, A. D. one thousand eight hundred and ninety-five, and notice thereof and of the officers to be elected thereat shall be given and the election held and conducted, the votes canvassed, the result determined, and notice given to persons elected, in the same manner and within the same time as herein provided.

First election, when to be held.

SEC. 14. All process against any village incorporated under or made subject to the provisions of this act, shall run against the village in the corporate name thereof, and may be served by leaving a certified copy with the president or clerk, at such time and manner as may be provided by law.

Process against village to run in corporate name.

SEC. 15. No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys, within any such village, except by permission and approval of the coun-

Plats to be approved by council.

oil by resolution passed for that purpose; nor until the proprietor shall file with the village clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the village; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of register of deeds of the county in which such village is located until a certificate has been endorsed thereon by the village clerk, under the seal of the village, showing that such plat and dedication has been approved by the council; nor shall the village, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution.

Repealing
clause.

SEC. 16. Act number sixty-two of the public acts of the State of Michigan of the year A. D. one thousand eight hundred seventy-five, being chapter eighty-one of Howell's annotated statutes, and all subsequent amendments thereto;

Act number one hundred sixty-eight of the session laws of the State of Michigan of the year A. D. one thousand, eight hundred fifty-seven, being chapter eighty-two of Howells' annotated statutes and all subsequent amendments thereto;

Act number ninety-two of the public acts of the State of Michigan of the year A. D. one thousand eight hundred seventy-five, being part of chapter eighty-three of Howell's annotated statutes;

Act number one hundred forty-four of the session laws of the State of Michigan of the year one thousand eight hundred sixty-seven, being part of chapter eighty-three of Howell's annotated statutes;

Act number two hundred thirty-eight of the session laws of the State of Michigan of the year one thousand eight hundred sixty-five, and all amendments thereto, being part of chapter eighty-three of Howell's annotated statutes; and

Act number twenty of the public acts of the State of Michigan of the year A. D. one thousand eight hundred ninety-three are hereby repealed.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[No. 4.]

AN ACT to provide for the determination by the probate courts of this State of the sanity of persons who may have been adjudged by such courts to be insane.

SECTION 1. *The People of the State of Michigan enact,* That whenever any person, upon application to any probate court in this State for his admission into any asylum, home or retreat, for the care of the insane, shall have been adjudged by such court insane, and shall have been released from or shall not have been received into any such asylum, home or retreat, application may be made to such court for a finding and order, declaring such person restored to soundness of mind. Upon the presentation of such application to such court by the person so adjudged insane, or by the person making the application for his admission to such asylum, home or retreat, the court shall fix a time for hearing thereof, and in case the application is made by the person adjudged insane shall cause notice to be given to the person who applied for such order of admission, if he be found in said county, and may cause such further notice to be given as to the court seems proper. If upon the hearing of such application, the court, from the testimony given, shall find such person restored to soundness of mind, an order shall be entered in the journal of the court declaring him sane: *Provided, however,* That the testimony of at least two reputable physicians establishing the sanity of such person shall be required before the finding of the court and entry of such order.

Application to probate court for examination as to sanity of person released from asylum.

Court to fix time of hearing such application.

When person declared sane court to enter same on journal.

proviso.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[No. 5.]

AN ACT to amend section five of act number two hundred and four of the public acts of one thousand eight hundred and ninety-three, entitled "An act to create a board of jury commissioners consisting of seven persons for the courts of record in the county of Wayne and to repeal act number ninety-five of the public acts of eighteen hundred and eighty-seven, as amended by act number forty-two of the public acts of eighteen hundred and ninety-one and all other acts and parts of acts contravening the provisions of this act," so as to prevent persons not properly qualified as such from serving as jurors in courts of record in said county.

SECTION 1. *The People of the State of Michigan enact,* That section five of act number two hundred four of the public acts of one thousand eight hundred ninety-three,

Section amended.

approved June first, one thousand eight hundred ninety-three, entitled "An act to create a board of jury commissioners consisting of seven persons for courts of record in the county of Wayne, and to repeal act number ninety-five of the public acts of eighteen hundred and eighty-seven, as amended by act number forty-two of the public acts of eighteen hundred ninety-one and all other acts and parts of acts contravening the provisions of this act," be and the same is hereby amended so as to read as follows:

Qualifications of electors chosen by board of jury commissioners to serve as jurors for Wayne county.

No person to be returned who has previously served as a juror.

Judge to enter orders on journal as to examination of jurors.

When court may excuse electors from serving as jurors.

SEC. 5. The persons whose names shall be returned by said board of jury commissioners shall be suitable to serve as jurors. They shall have the qualifications of electors in the town or ward in which they reside and for which they are returned by said board; they shall be persons of good character, of approved integrity, of sound judgment and well informed, conversant with the English language, in possession of their natural faculties, not infirm or decrepit, and otherwise free from all legal exceptions. No person shall be returned or shall be qualified to be or become one of a panel of petit or grand jurors in any court of record in Wayne county who within three years prior thereto has been or acted as a member of a panel of petit or grand jurors, whether summoned on the original panel or added thereto as talesmen, in a court of record, except as otherwise provided in section twenty-one, and it shall be the duty of each of said courts on the return day of the venire to inquire of the jurors summoned if any of them have served as jurors during the preceding three years and to excuse from service any jurors who have so served. It shall also be the duty of the judges of each of said courts by special orders to be entered upon the court journal to cause examination and investigation to be made into the qualifications of each and every juror, who shall be summoned as provided by this act, and to direct the manner in which such examination and investigation shall be made; and neither of said courts shall allow any person to be or become one of a panel of petit or grand jurors therein until it shall be made to appear to the satisfaction of such court, after such examination and investigation, that such person has all the qualifications specified in this section. It shall also be the duty of each of said courts forthwith to excuse from service as jurors any and all persons who shall not so be shown to possess all of such qualifications. The particular manner in which such examination and investigation has been made shall be set forth in the journal of said court; and it shall be a just cause of challenge to any juror in any cause, over and above all other challenges allowed by the law, that it does not so appear in and by said journal that such juror has all of said qualifications. And it shall also be the duty of each of the judges of said courts, whenever he shall have reason to doubt whether any person in attendance upon said court

as a juror is possessed of all of said qualifications, forthwith to excuse such juror from further attendance and service as such juror.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[No. 6.]

AN ACT making an appropriation for the current and running expenses of the Michigan Mining School until the general appropriation for that purpose shall be available.

SECTION 1. *The People of the State of Michigan enact,* Appropriation.
That there be and is hereby appropriated for the Michigan Mining School, out of any money in the State treasury not otherwise appropriated, the sum of twenty thousand dollars for the purpose mentioned in section two of this act.

SEC. 2. Said money hereby appropriated shall be immediately available, and shall be used for the purpose of paying the current and running expenses of said school from January first, eighteen hundred and ninety-five, until the regular and ordinary appropriation for that purpose shall be made available, and the sum hereby appropriated shall be deducted from the gross amount of such regular and ordinary appropriation as an advance upon the same when such regular and ordinary appropriation for the current expenses at said school for the year eighteen hundred and ninety-five shall have become available. Where available and for what purpose.

This act is ordered to take immediate effect.

Approved February 26, 1895.

[No. 7.]

AN ACT to fix the per diem compensation of members of the State legislature from the upper peninsula for and during the session of one thousand eight hundred and ninety-five.

SECTION 1. *The People of the State of Michigan enact,* Compensation of U. P. members made \$2.00 per diem extra.
That in addition to the compensation, mileage and allowance for stationery, as fixed by law, for members representing the several senatorial and representative districts in the upper peninsula, there shall be allowed and paid two dollars per diem extra compensation, during the legislative session of the year eighteen hundred and ninety-five.

This act is ordered to take immediate effect.

Approved February 26, 1895.

[No. 8.]

AN ACT to make an appropriation for marking by monuments the places occupied by the Ninth, Tenth, Eleventh, Thirteenth, Twenty-first and Twenty-second Regiments of Infantry; the Second and Fourth Regiments of Cavalry, Batteries A and D, First Michigan Artillery, and the First Regiment Michigan Engineers and Mechanics, who participated in the campaigns and battles of Chickamauga and Chattanooga, within the National Military Park of Chickamauga and Chattanooga, and providing for the erection of the same.

Appropriation
for erecting
monuments on
certain battle-
fields.

SECTION 1. *The People of the State of Michigan enact,* That the sum of twenty thousand dollars be and the same is hereby appropriated from any moneys in the State treasury not otherwise appropriated, for the purpose of erecting monuments to mark the places occupied on the battle-fields of Chickamauga, Chattanooga and Missionary Ridge by the Ninth, Tenth, Eleventh, Thirteenth, Twenty-first, Twenty-second Regiments of Michigan Infantry; the Second and Fourth Michigan Cavalry, the First Michigan Engineers and Mechanics, and Batteries A and D, First Michigan Artillery. Said sum to be expended under the supervision of the Chickamauga and Chattanooga Military Park Commission, created by act number fifty-five, public acts of eighteen hundred ninety-three, who shall receive no pay for their services, except for necessary and actual expense and clerk hire, while engaged in their duties.

Commission
shall proceed at
once.

Expenses to be
paid from
appropriation.
Commission
shall make full
report to the
Governor.

SEC. 2. The said commission shall at once, after the passage of this act, proceed to carry the same into effect. They shall determine the design and number of monuments to be erected as contemplated in this act with all convenient speed. The actual expenses of said commission shall be paid out of the fund hereby appropriated, and they shall report to the Governor of the State of Michigan immediately upon the fulfillment of their duties in detail, making an abstract of expenditures with vouchers thereto, with all acts done or made by them, together with information as gathered from their observation and pertinent in its relation thereto, shall be embraced in their report as the [commission] commissioner shall think proper.

Auditor General
shall incorporate
appropriation
in State tax.

SEC. 3. The Auditor General of the State shall add to and incorporate in the State tax for the year one thousand eight hundred ninety-five, the sum of twenty thousand dollars to be apportioned, levied, assessed and collected, which sum when collected shall be placed to the credit of the general fund to reimburse said fund, for the amount appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved February 26, 1895.

[No. 9.]

AN ACT to require street railway companies operating electric cars, cable or other cars propelled by steam, cable or electricity, to protect certain of their employes from the inclemency of the weather during certain months of the year.

SECTION 1. *The People of the State of Michigan enact,* That from and after the first day of January in the year of our Lord one thousand eight hundred and ninety-six, it shall be unlawful for any person, partnership or corporation, owning or operating a street railway in this State, or for any officer or agent thereof, superintendent or having charge or control of the management of such line of railway, or the cars thereof, operating electric, cable or other cars propelled either by steam, cable or electricity, which require the constant services, care or attention of any person or persons upon the platforms of such car, to require or permit such services, attention or care of any of its employes or any other person or persons between the first day of November and the first day of April thereafter of each year unless such person, partnership or corporation, its said officers or superintending or managing agents, have first provided the platforms of said car or cars with a proper and sufficient enclosure, constructed of wood, iron and glass, or similar, suitable material, sufficient to protect such employes from exposure to the winds and inclemencies of the weather: *Provided,* That such enclosure shall be so constructed as not to obstruct the vision of the person operating such car, or to endanger or interfere with its safe management by the operator.

Employés operating cars to be protected from weather from November to April.

What enclosure to be made of.

Previous.

SEC. 2. From and after January first, in the year of our Lord, one thousand eight hundred and ninety-six, it shall be unlawful for any such person, partnership or corporation so owning or operating street railways, using steam, electric or cable cars, or any superintending or managing officer or agent thereof, to cause or permit to be used upon such line of railway, between said November first and April first of each and every year thereafter, any car or cars upon which the services of any employe, such as is specified in section one of this act, is required, unless said car or cars shall be provided with the enclosure required by section one of this act.

Unlawful to use cars not properly constructed.

SEC. 3. Any person, partnership or corporation, owning, operating, superintending or managing any such line of street railway, or managing or superintending officer or agent thereof, who shall be found guilty of a violation of the provisions of section one or two of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and in default of payment

Violation of act a misdemeanor

Penalty.

of the same, by imprisonment in the common jail of the county in which such conviction is had until such fine shall be paid, but for a period not exceeding the term of three months. Each day that any of said person or persons, partnership or corporation, cause or permit any of their said employes to operate such cars in violation of the provisions of sections one and two of this act, or cause or permit cars to be used or operated in violation of said section two of this act, shall be deemed a separate offense:

Provide as to
trailing cars.

Provided, That the provisions of this act shall not apply to cars used and known as trailing cars.

Prosecuting
attorney to pro-
secute.

SEC. 4. It is hereby made the duty of the prosecuting attorney of any county in which any such street railway is situated and operated, upon any information given him by any credible person, or upon knowledge that he may possess that any person, partnership or corporation has violated any of the provisions of this act, to promptly prosecute such person, members of such partnership or corporation for such violation.

Approved February 26, 1895.

[No. 10.]

AN ACT to establish a board of health for the city of Detroit.

Board to consist
of four mem-
bers.

SECTION 1. *The People of the State of Michigan enact*, That the board of health of the city of Detroit, from and after the first day of March, one thousand eight hundred and ninety-five, shall consist of four members who shall be electors and freeholders in the city of Detroit, and who shall be appointed by the Governor by and with the advice and consent of the Senate. They shall take and file with the Secretary of State, the oath of office prescribed for State officers, and their commission shall be issued by the Secretary of State and be signed by the Governor, the same as in the case of State officers. Two of them and no more, shall be graduates in medicine of at least five years practice in the city of Detroit. On or before the first day of March, one thousand eight hundred and ninety-five, or as soon thereafter as may be, one member of the said board shall be appointed to hold office one year, one member to hold office for two years, one member to hold office for three years and one member to hold office for four years and until their successors are appointed and qualified. The term of office of each member of the board, after the termination of the aforesaid terms, shall be four years, and on the expiration of any term a new appointment shall be made in the same manner above prescribed. Any vacancy occurring by reason of the expiration of any term, when

Oath of office.

Two to be
graduates in
medicine.
When to be
appointed and
term of office.

Vacancies how
filled.

the Senate is not in session, and any vacancy occurring during the term of any member, shall be filled by appointment of the Governor, and the member so appointed shall hold office until his successor shall be appointed in manner aforesaid. Any or all members of this board may be removed at any time by the Governor.

Governor has power to remove.

SEC. 2. The said board shall appoint one of its own number president, and it shall appoint a secretary, and a health officer who shall be a graduate in medicine of at least ten years practice. The health officer shall receive a salary not exceeding five thousand dollars a year. The health officer shall hold office during the pleasure of the board. The health officer shall have authority to appoint and dismiss all subordinates and employes. He shall devote his whole time to the sanitary condition of the city and the performance of such duties as may be required by the board or by law.

Board shall appoint president, secretary and health officer.

Salary and duties of health officer.

SEC. 3. It shall be the duty of the said board, on or before the first day of March in the year one thousand eight hundred and ninety-five, and on or before the fifteenth day of February in each following year to file with the city controller an estimate of the amount of money which, in the opinion of said board, will be required for all purposes of expenditures by said board, during the next fiscal year, and such sums, so estimated, when raised as provided by this act, shall be appropriated by said board for the prevention of danger to the public health or other purposes contemplated by this act. In the presence of a great and imminent peril to the public health by reason of impending pestilence, the said board may report to the common council that in its judgment the security of the public health requires the expenditure of moneys in the then fiscal year in excess of the annual appropriation for the purposes of said board as above provided, and the common council may thereupon cause to be placed to the credit of said board such sum of money as may be required in the judgment of the council, such sum to be taken either from the contingent fund or the same may be raised by temporary loan, payable within such time as the council may determine, not exceeding three years, and not exceeding in all the sum of one hundred thousand dollars. The money so raised or borrowed shall be paid into the city treasury and shall constitute a fund to be known as the "Public health fund," and the same shall be paid out on vouchers approved by the board of health and checks signed by the president and secretary of the board, drawn upon the city controller, who shall draw his warrant upon the city treasurer in favor of the person named as drawee in said check.

Board to file with controller estimate of expenses for next year.

When board may have money in excess of appropriation.

Limit of such money.

How such money paid out.

SEC. 4. The acts entitled "An act to provide for the establishment of a board of health for the city of Detroit," approved May twenty-sixth, one thousand eight hundred and eighty-one, and "An act to provide for and confirm the

Acts repealed

board of health for the city of Detroit, and describe its powers and duties," approved May twenty-fifth, one thousand eight hundred and ninety-three, are hereby repealed, and all offices provided for by said acts are hereby abolished, and the terms of office of the present officers, clerks and appointees of said board shall expire and their offices be declared vacant, upon the passage of this act.

Board provided
by this act to
have all property
of predecessor.

SEC. 5. Immediately upon the appointment of the board of health provided for by this act, the present board of health shall turn over to it all the property, records and offices, hospitals and assets of every name or nature now in its possession or control. And the board hereby constituted shall assume and pay all lawful claims and liabilities existing at the time of the passage of this act against the existing board of health of said city.

Health officer to
have assistance
of police in en-
forcing orders.

SEC. 6. The health officer shall have the power to call upon the city attorney, police department or any of the city officials to enforce the orders of the health department, whenever the regular forces of that department are inadequate.

Regulation of
infected places
and treatment
of contagious
diseases.

SEC. 7. The board of health shall have power to make orders and regulations concerning intercourse with infected places, the apprehension, separation and treatment of persons who shall have been exposed to any infectious or contagious disease; the suppression or removal of nuisances and all such other orders and regulations as they shall think necessary and proper for the preservation of public health, also to enter upon or within any place or premises, where conditions dangerous to the public health are known, or believed to exist, and by appointed members or persons to inspect and examine the same for the protection of life and health and for no other purposes; and all owners, agents and occupants shall permit and facilitate such sanitary examinations, and it shall be the duty of said board of health to furnish such owners or occupants a written statement of results or conclusions of such examination. To regulate and prohibit or prevent all communications or intercourse with all houses, tenements and places and the persons occupying the same, in which there shall be any person who shall have been exposed to any infectious or contagious disease, and to give public notice and warning of infected places to travelers and other persons by placards or by displaying colored flags at proper distances and by all other means which in their judgment shall be most effectual for the common safety.

Removal of
nuisances.

Examination of
places where
contagious dis-
eases exist.

Public notice to
be given of
infected places.

To examine com-
plaints as to
causes injurious
to health.

SEC. 8. It shall have power and it shall be its duty to receive and examine into the nature of complaints, made by any of the inhabitants of said city concerning causes of danger or injury to the public health, within the limits of its jurisdiction; to report to the State Board of Health promptly facts which relate to infectious and epidemic diseases within their jurisdiction, to require such isolation and quarantining of persons, vessels and sources of infection as shall be in its judgment necessary; to release after an exam

To report to
State board of
health concern-
ing epidemic
and infectious
diseases.
Quarantining.

ination, from such isolation or quarantine such persons, vessels and things as they shall deem it safe so to release, but upon ordering such quarantine or isolation, or such release from the same, said board and health officers shall make a record of the facts in the case and of the reasons for the action taken.

SEC. 9. It shall be the duty of said board of health to procure suitable places for the reception of persons and things infected with malignant, contagious or infectious diseases, and in all cases where sick persons cannot otherwise be provided for to procure for them medical and other attendance and necessities, and it shall be the duty of said board to take cognizance of and report every case of small-pox or varioloid occurring within said board's jurisdiction. Said board may take measures and supply agents and afford inducements and facilities for general and gratuitous, vaccination and disinfection, as in its opinion the protection of the public health may require. It may forbid and prevent all communication with the house or family infected with any contagious, infectious or pestilential disease, except by means of physicians, nurses or messengers to carry the necessary advice, medicines and provisions to the afflicted, and to adopt such means for preventing all communication between any part of the city, infected with a disease of a pestilential, infectious or contagious character and all other parts of the city as shall be prompt and effectual.

SEC. 10. It may order or direct any vessel lying at or near any wharf, landing place or shore of said city from which they shall deem it probable that any infectious or contagious disease may be brought into said city, or communicated to its inhabitants, to be removed therefrom to such distance as they shall consider safe, and after a copy of the order or resolution of said board certified by the secretary thereof shall be delivered to the person or persons having command of such vessel or to the master, owner or consignee thereof, it shall be the duty of such person or persons, master, owner or consignee, to whom such copy of such order shall be delivered to forthwith comply with the same. And it may order or direct to be removed to a place to be designated by them all things within the city which in their opinion shall be infected with any matter likely to communicate disease to the inhabitants, and every person who shall violate or neglect or refuse to comply with any such order or provision contained in this section or in the resolution made or passed by the board of health in pursuance thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than ten dollars nor more than five hundred dollars or by imprisonment not exceeding six months, or by both fine and imprisonment in the discretion of the court.

Release of persons from quarantine.

To procure places for care of persons sick with contagious diseases.

To report cases of small pox.

Gratuitous vaccination.

Communication with persons sick with contagious diseases.

Vessel having contagious disease may be ordered removed.

Order of board to be delivered to master of vessel.

Removal of everything likely to communicate disease.

Penalty for violating orders of board.

Quarantine
against vessels
from infected
places.

Quarantine by
land from in-
fected places.

Board to provide
place for care of
persons sick
with contagious
diseases.

Board to be noti-
fied as to persons
sick with con-
tagious disease.

Disinfection.

Physicians to be
required to
report cases of
contagious dis-
eases.

Board to keep
record of all
reports of con-
tagious diseases.

SEC. 11. When the State Board of Health shall have declared any town or city to be infected with a pestilential, contagious or infectious disease, the board of health of the city of Detroit may, in its discretion, subject to quarantine at a place to be designated by it, all vessels arriving at the port of Detroit, from such infected place, town or city for such time as said board may deem necessary for the protection or safety of the inhabitants of said city, and said board may in its discretion prohibit or regulate the internal intercourse by land or water between the city of Detroit and such infected place, town or city, and may direct that all persons who shall come into the city contrary to their prohibition or regulations shall be apprehended and conveyed to the vessel or place whence they last came, or if sick, that they be conveyed to such place as the board of health shall direct, and it may send to such place as it may direct all persons in the city not residents thereof who shall be sick of any infectious, pestilential or contagious disease, and it may remove or cause to be removed, to a proper place designated by them, any person sick with any contagious, pestilential or infectious disease, and shall have exclusive charge and control of any public hospitals for the treatment of such cases: *Provided*, The city prepares as good, comfortable and suitable rooms as the sick person occupied when taken sick, and shall have power to provide for and pay for the use of proper places to which to remove such persons.

SEC. 12. Said board may, by its rules or ordinances, cause any householder who knows that a person within his family is sick of small-pox, diphtheria, scarlet fever or any other disease dangerous to the public health, and every keeper of a hotel or lodging house who knows that a person within said hotel or house is sick with any such disease, to immediately give notice to the board of health of said city, and upon the death, or recovery and removal of such person to cause the rooms occupied and the articles used by him to be disinfected in a manner approved by said board, and they may by like rules and ordinances cause any physician who knows that a person whom he has called to visit is infected with small-pox, diphtheria, scarlet fever or any other disease dangerous to the public health, to immediately give notice thereof to the board of health. It shall be the duty of said board to cause a record to be kept of all reports received as provided by this section, which record shall contain the name of the persons who are sick, the localities in which they live, their disease and the date and name of the persons reporting any such cases, and the board of health shall give the board of education or the superintendent of schools immediate information of all cases of contagious diseases reported to said board.

SEC. 13. Every person employing five or more persons in a factory, workshop, mercantile or other establishment or office, or employing children, young persons or women, two or more in number, in a workshop, factory, mercantile establishment or office, shall keep such factory, shop, establishment or office in a cleanly state, and free from effluvia (arising from any drain, privy or other nuisance,) and such shop, factory, establishment or office shall be provided within reasonable access with a sufficient number of proper closets, (earth closets or privies for the reasonable use of the persons employed therein,) and whenever five or more male persons and five or more female persons are employed as aforesaid together, a sufficient number of separate and distinct water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to the persons of the other sex, and it shall be the duty of every owner, lessee or occupant of any premises so used, to carry out the provisions of this section, and to make the necessary changes therefor, and it shall be the duty of the board of health to enforce the provisions of this section, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, but no criminal prosecution shall be made for such violation, until four weeks after notice in writing, by the health officer, (of the changes necessary to be made to comply with the provisions of this section has been sent by mail or delivered to such person, nor then, if in the meantime, such changes have been made, in accordance with such notification; a notice shall be deemed a sufficient notice under this section to all the members of a firm or to a corporation when given to one member of such firm or to the clerk, cashier, secretary, agent or any other officer, having charge of the business of such corporation or to its attorney, and in case of a foreign corporation notice to the officer having such charge of the factory, establishment or workshop, shall be sufficient, and such officer shall be personally liable to the amount of any fine if execution against the corporation be returned unsatisfied.) The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing there carried on. And the expression "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is therein exercised by way of trade, or for purposes of gain, in or incidental to any process in making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which, or over which premises, room or place, the employer of the persons working therein has the right of access or control: *Provided, however,* That the exercise of such manual labor in a private house or private room by the family dwelling therein, or by any of them, or in case the majority of the persons therein employed are members of such

Factories to be kept clean.

To be supplied with closets.

Board to enforce provisions of this section.

Prosecution for violation.

Notice to be given.

Manner of serving notice on corporations.

Meaning of "factory."

"Workshop."

Private house not to be within this law.

family, shall not of itself, constitute such house or room a workshop within this definition, and the aforesaid expressions shall have the meanings above defined for them respectively in the following section hereof.

Ventilation of workshops.

SEC. 14. No person shall employ any labor in such factory or workshop in which five or more persons are employed, nor in any factory or workshop in which children, young persons or women, five or more in number, are employed in which there shall be such a want of ventilation while work is carried on therein, that the air shall become so exhausted as to be injurious to the health of the persons employed therein, and which shall not be so ventilated as to render harmless as far as practicable all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health, and if a factory or workshop in which any process is carried on by which dust is generated and inhaled, to an injurious extent, by the persons employed therein, and it appears to the health officer that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same can be provided without excessive expense, such health officer may direct a fan or other mechanical means of proper construction to be provided within a reasonable time, and such fan or other mechanical means shall be provided, and it shall be the duty of every owner, lessee or occupant of any premises so used, to make the necessary changes therefor as directed by the said board or the health officer, and to bring said premises within the provisions of this section, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, but no person shall be punished therefor until a notice shall have been given to such person, or to the firm or corporation in the manner provided in the preceding section, and at least thirty days before a complaint for such violation shall have been made, (nor then if in the meantime such changes have been made in accordance with such notification,) and in case changes are made, by order of the board of health or the health officer, by the occupant or lessee of any premises as provided by this or the preceding section, he may recover against any other person having an interest in such premises, such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by such defendant, and he may retain from any rent payable to such defendant the amount so recoverable as an offset thereto.

Fan may be ordered in workshops for ventilation.

Owners or occupants to make changes as ordered.

Penalty for violation.

Public buildings and school houses to be supplied with water closets.

SEC. 15. Every public building and every schoolhouse shall be kept in a cleanly state, and free from effluvia arising from any drain, privy or other nuisance, and shall be provided with a sufficient number of water closets, earth closets or privies, for the reasonable use of the persons admitted to such public buildings, or of the pupils attend-

ing such schoolhouse in said city, and shall be ventilated in such a proper manner that the air shall not become so exhausted as to be injurious to the health of the persons present therein, and the provisions of this section shall be enforced by the board of health, and whenever it shall appear to said board that further or different sanitary provisions, or means of ventilation, are required in any public building or schoolhouse, in order to conform to the provisions of this section and that the same can be provided without incurring unreasonable expense, said board of health may issue a written order to the proper person or authority directing such sanitary provision or means of ventilation to be provided, and they shall thereupon be provided, in accordance with such order, by the public authority, corporation or persons having charge of, owning or leasing such public building or schoolhouse, and any public officer, corporation, or person neglecting for four weeks, after receipt of an order from said board of health, as provided in this section, to provide the sanitary provisions or means of ventilation required thereby, shall be guilty of a misdemeanor, and be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment, in the discretion of the court. The expression "public building," used in this section, means any building or premises used as a place of public entertainment, instruction, resort or assemblage. The expression "schoolhouse," means a building, room or premises, in which public or private instruction is afforded to not less than ten pupils at one time.

Ventilation of.

Board may order further means of ventilation.

Penalty for neglect.

Meaning of "public building."

"Schoolhouse."

SEC. 16. It shall be the duty of said board to enforce all provisions of law and of the ordinances of said city, within their jurisdiction, in relation to the inspection of milk, meats, bread, vegetables, or other articles of food, drink and drugs, and to the prevention of the sale of adulterated, diseased, decayed or other improper articles of food or drink or drugs, and whenever by law or ordinance inspectors are required to be appointed for the inspection of any such articles, such inspectors shall be appointed by the health officer and it shall also be the duty of the said board to enforce all other provisions of law and the ordinances of the common council, relating to the preservation of health, and the prevention or suppression of disease.

Inspection of meat, milk, drugs, etc.

Health officer to appoint inspectors.

SEC. 17. Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, in said city shall, in the opinion of said board (whether as a whole or in any particular), be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or health; and said

What things to be declared as nuisances.

Order for abatement of.	board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify; and if any party served with such order shall, before its execution is commenced or within three
Order may be stayed.	days after such service or attempted service, apply to said board or its health officer to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof (save in cases of imminent danger from impending pestilence, when said board may exercise extraordinary powers, as herein elsewhere specified) and to give
Hearing as to order shall be given.	such party or parties together, as the case in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board, and to present facts and proofs (according to the rules or directions of said board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the board; and the board shall enter in its minutes a memorandum of such facts and proof as it may receive or take, and its proceedings on such hearing, and thereafter
Order may be modified or affirmed.	may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine. In cases where no hearing is asked for by the party affected, the order shall not be so altered as to render its effect more burdensome than the original order. Said board may change or modify any order made under this subdivision, and may by resolution confer upon the president or health officer power to exercise in the absence of the board the authority hereinbefore given it to temporarily suspend or modify any order or its execution.
When no hearing demanded.	SEC. 18. Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing (in said city or adjacent waters) regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered or improved; and may also order any substance, matter or thing, being or let in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private), and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said board, is already provided. If said order is not complied with, or is not as far complied with as said board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence the board may have designated, or is not thereafter speedily and fully executed, then any such order
Health officer may temporarily change order.	
Disinfection or alteration of things dangerous to health.	
Removal of same.	
Remedy when order of removal is not complied with.	

may be executed as herein elsewhere provided in regard to any of the orders of said board.

SEC. 19. Said board shall publish from time to time, in the official newspaper of said city, being the one in which the proceedings of the common council, or the ordinances enacted thereby are published, all such orders and resolutions of general obligation, as they shall have made, in such manner as to secure early and full publicity thereto, and to make without publication thereof, such orders and regulations in special or individual cases, not of general application, as they may see fit, concerning the suppression and removal of nuisances, and concerning all other matters in their judgment detrimental to the public health, and in respect to which power is hereby conferred upon said board, and to serve copies thereof upon any occupant or occupants of any premises, whereon any such nuisances, or other matters aforesaid shall exist, or by posting the same in some conspicuous place on such premises, and every person who shall willfully violate or refuse to obey any order so made and served, or posted as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be subject to fine and imprisonment, or both, in the discretion of the court, such fine not to exceed one thousand dollars, nor such imprisonment to exceed six months. And in any case of non-compliance with any order or regulation which shall have been so served or posted, the said board, its officers or employees, may lawfully enter upon any premises to which such order or regulation relates, and suppress or remove the nuisance or other matters in the judgment of said board detrimental to public health mentioned in such order or regulation, and any other nuisance or matter of the description aforesaid, found there existing, and the expense thereof shall be a charge upon the occupant or any or all of the occupants of said premises and may be sued for and recovered with costs under the direction of said board, in the name of said city in any court having jurisdiction, and the same shall also be a charge against the owner or owners of the said premises, and the common council upon the certificate of said board as to the amount of the expense aforesaid and the purposes for which the same were incurred may cause an assessment to be levied upon the said premises and the owner or owners thereof and the same to be collected in the same manner and by the same proceedings as special assessments are levied and collected for the construction of sidewalks in said city. In case such expense is paid by any occupant or lessee of such premises he may recover from any other person having an interest in such premises such proportion of the said expense as the court adjudges should justly and equitably be borne by such defendant and he may deduct and retain from any rent payable to such defendant the amount so recoverable as an offset thereto.

Orders of board
to be published.

Power of board
when orders are
not obeyed.

May suppress
nuisances.

Expenses of may
be recovered.

May be assessed
upon premises.

Tenant may de-
duct such cost
from rent.

Appointment of health officer and subordinates.

SEC. 20. Excepting as may be otherwise provided by law, or by the ordinances of said city, said board may prescribe the duties and powers of the health officer, and of all inspectors, superintendents or other subordinates or employes under them, and may direct them, from time to time, in the performance of all their powers and duties.

Compensation of.

They may determine their number and may fix the compensation they shall receive except as herein provided but the aggregate amount, to be expended for the compensation of officers, clerks, inspectors and other subordinates, shall not exceed the amount approved by the board of estimates for that purpose.

Returns of coroners to be regulated by board.

SEC. 21. The board of health may from time to time fix and define the time of making, and the form of returns and reports to be made to said board by the coroners of the county of Wayne, in all cases of post mortem inquests, or viewing of dead bodies held by them or any of them in the city of Detroit, and the said coroners are hereby required to conform to the directions of said board in the premises, and it shall be the duty of every coroner, at once, and before holding an inquest, upon being called upon to hold an inquest as aforesaid, or notified thereof to immediately transmit and cause to be delivered to the secretary of said board of health, written notice of the fact of such call for holding an inquest, in which shall be stated every particular then known to said coroner as to said call, the body, the place where it is, and the reported cause of death. If at any time said board or the health officer, shall deem the protection of the public health to demand, it may (so soon as the coroner's jury shall have viewed the dead body, and an autopsy thereof shall have been made, provided the coroner deems the same necessary), order the immediate burial of any dead body, or if the health officer or it deems that the public health demands an immediate removal of said body from the place of death to another place for inquest may likewise at any time order said immediate removal and shall have power to cause said order to be obeyed and executed.

Coroner to notify board of inquest.

Body may be removed or buried immediately, if board so directs.

Burial permits and regulations.

SEC. 22. Said board may designate the persons who shall grant permits for the burial of the dead, may prescribe sanitary regulations for such burial, and may by its regulation provide that no burial of any such person shall be made until a certificate of the death and its causes, if known, shall be made and presented as required by such regulations and until thereupon a permit for burial shall have been given by said board or its designated officer. It shall be the duty of the board to grant a permit for the removal of the body of any deceased person from the city which has not been buried upon receiving a certificate of the death of said person made in accordance with its rules. It may grant a permit for the removal of the remains of any person interred within the city to a place without the same, on the application of a relative or friend

Permits for removal of body.

of such person when there shall appear to be no just objection to the same.

SEC. 23. It shall be the duty of said board of health to aid in the enforcement of, and, so far as practicable, to enforce all laws of this State, applicable in said city, for the preservation of human life, or to the care, promotion, or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine or food. Said board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide) from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals, and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theaters and other places of public resort or amusement in said city; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information for the better discharge of its duties in said city. And it is hereby made the duty of the officers, institutions, and persons so called on, or referred to, to promptly give such information and make such reports, verbally or in writing, as may be required by said board.

Board to enforce all laws for protection of health.

Reports required from certain institutions.

Contents of reports.

Institutions required to report.

SEC. 24. The board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said city, and shall promptly cause all proper information in possession of said board to be sent to the local authorities of any city, village or town in this State which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply.

Board to ascertain causes of disease and impart information to other cities.

SEC. 25. Said board may issue warrants to the superintendent of police of said city, the sheriff of the county of Wayne, or to any constable of said city, to apprehend and remove such persons, as cannot otherwise be subjected to the orders and regulations by them adopted and whenever it shall be necessary to do so to issue their warrant to the said sheriff, superintendent and constables to bring to their aid the necessary assistance, all which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be subject to the like duties in the execution thereof as if the same had been duly issued out of any court of record in this State.

When board may issue warrants to remove persons.

SEC. 26. Said board may delegate any portion of its powers to the president, or health officer thereof, to be exercised when the board is not in session, and the board

Board may delegate its powers to president or health officer.

may in the absence or during the inability of the president from any cause to perform his duties, appoint a president *pro tem*.

Right of board to examine sanitary conditions of all places.

SEC. 27. The members of said board, the health officer, or any of the sanitary inspectors, and such other officer or person, as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings, and places in said city, including vessels of all kinds in the waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof, according to the order or regulations of said board. Said board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter or thing in said city, so inspected, or otherwise as aforesaid, so far as, in the opinion of said board, such publication may be useful.

To publish report.

Board or officers not liable for acts done in good faith.

SEC. 28. No member, officer, or any agent of said board of health, and no person shall be sued or held to liability for any act done or omitted by either person aforesaid (in good faith and with ordinary discretion) on behalf of or under said board, or pursuant to its regulations, ordinances or the health laws. And any person whose property may have been unjustly or illegally destroyed or injured pursuant to any order, regulation or ordinance, or action of said board of health or its officers, for which no personal liability may exist as aforesaid, may maintain a proper action against said city for the recovery of the proper compensation or damage to be paid by and from the funds of said board of health. Every such suit must be brought within one year after the cause of action arose, and the recovery shall be limited to the damages suffered.

When action may be brought against city for damages.

Court to abate nuisances.

SEC. 29. Any court of equity having jurisdiction of the parties or as to any lands or other property mentioned in the bill of complaint shall have power by an injunction or other proper process at the suit of said city to prevent any threatened nuisance, source of filth or cause of sickness, and remove, arrest or abate the same. Such suit shall be brought by the law department when requested by the board of health, and the complainant shall not be required to make or file any bond or other undertaking as a condition of granting or continuing any injunction therein, but there shall be the same right to sue and recover against the city the same damages when the right is so reserved to the defendant in the order granting or continuing an injunction, that the party would have had, had an undertaking or bond been executed conditioned for the payment of such damages as a condition for granting or continuing said writ.

How such suit to be brought.

Registration of plumbers.

SEC. 30. On or before the first day of September, one thousand eight hundred and ninety-five, every master or journeyman plumber, carrying on his trade in the city

of Detroit, shall, under such rules and regulations as the board of health shall prescribe, register his name and address at the office of the board of health, and after the said date it shall not be lawful for any person to carry on the trade of plumbing in the said city unless his name and place of business be registered as above provided and a license issued to him by said board after an examination as to his competency to carry on said business. No person, unless so licensed, shall display upon any sign, placard or otherwise, in front of or upon or in or about his place of business words signifying that he is a licensed plumber, unless he be so licensed. Any licensed plumber if he change his place of business shall re-register as above provided. A list of the registered plumbers of said city shall be published in the official newspaper at least once in each year. The drainage and plumbing of all buildings, both public and private, hereafter erected in said city shall be executed in accordance with plans previously approved in writing, by the board of health of said city. Suitable drawings and descriptions of the said plumbing and draining shall before any building is so erected, in each case be submitted and placed on file in the office of said board of health. The board of health is also authorized to receive and place on file drawings and descriptions of the plumbing and draining of buildings erected prior to the passage of this act, if the owner or owners thereof should see proper to file the same and request approval thereof. Any court of record having authority to issue injunctions shall have power at any time after the service of notice of the violation of any of the provisions of this section and upon the affidavit of one of the members of the board of health or of its health officer to restrain by injunction the further progress of any violation named in this act, of any work, upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of such injunction or by reason thereof. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

To be licensed.

Regulations as to plumbers.

Board to approve plans for drainage of all buildings.

Board to file drawings of plumbing done prior to this act.

Court to restrain violations of this section.

Violation a misdemeanor.

SEC. 31. In case of the death of any person in said city, every physician, or person acting as such, who had charge or who was in attendance upon such person at the time of death, and every coroner holding an inquest, shall forthwith file in the office of the board of health a certificate stating to the best of his knowledge, information and belief, the name, age, sex, nativity, occupation or profession of the deceased, date and manner of death, and name of disease. Every physician or other person attending at the birth of any child to file in the office of the board of health a statement or certificate of the birth of such child and of its sex, place of birth, and the names and color of its parents, and such other particulars as may be required by law or any ordinance of said city, and said

Physicians and coroners to file with board information as to deceased person.

Physicians to file certificate of birth.

board shall keep a record of the matters required by this section to be reported to it.

This act is ordered to take immediate effect.

Approved February 27, 1895.

[No. 11.]

AN ACT to provide for the incorporation of divisions and clubs of the League of American Wheelmen.

Division clubs of
League of Amer-
ican Wheelmen
may incorporate.

SECTION 1. *The People of the State of Michigan enact,* That divisions and clubs of the League of American Wheelmen may be incorporated in pursuance of the provisions of this act.

Articles of
incorporation.

SEC. 2. Any fifteen or more persons, residents of this State, being members of the League of American Wheelmen and desiring to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds and shall set forth:

Name.

First, The names of the persons associating in the first instance and their place of residence;

Corporate name
of association.

Second, The corporate name by which such association shall be known in law, and the place of its business office;

Purposes.

Third, The object and purpose of such association, which shall be to promote the general interests of cycling, to improve the condition of roads and to promote the general welfare of the League of American [Wheelmen] Wheelman;

Limit of
incorporation.

Fourth, The period for which it is incorporated, not exceeding thirty years;

Officers, term of
office.

Fifth, The names of the officers and representatives who shall serve, until their successors are elected and have qualified in accordance with the by-laws of such corporation.

Articles of asso-
ciation to be
filed with Secre-
tary of State.

SEC. 3. A copy of said articles of association shall be filed with the Secretary of State, and a copy thereof shall also be filed with the county clerk of the county in which such association is organized; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in the articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold and enjoy to them and their successors, estates real and personal, of suing and being sued, and they and their successors may have a common seal which may be changed and altered at their pleasure: *Provided,* That the value of such real and personal estate shall not exceed the sum of fifty thousand dollars, and that they

Proviso.

and their successors shall have authority and power to give, grant, sell, lease, demise and dispose of said real and personal estate or any part thereof, in accordance with the by-laws adopted by the association.

SEC. 4. Such corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect or appoint from its members such officers under such name and style as shall be in accordance with the by-laws adopted by such corporation. Members to prescribe rules.

SEC. 5. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation. Copy of record to be admitted as evidence.

This act is ordered to take immediate effect.

Approved March 1, 1895.

[No. 12.]

AN ACT to amend section seven of act number forty-nine of the public acts of eighteen hundred and seventy-five, entitled "An act to provide for a municipal court in the city of Grand Rapids to be called 'The Superior Court of Grand Rapids,'" approved March twenty-fourth, eighteen hundred and seventy-five, as amended, being section six thousand five hundred and seventy of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended. That section seven of act number forty-nine of the public acts of eighteen hundred and seventy-five, entitled "An act to provide for a municipal court in the city of Grand Rapids to be called 'The Superior Court of Grand Rapids,'" as amended, being section six thousand five hundred and seventy of Howell's annotated statutes, be and the same is hereby amended to read as follows:

SEC. 7. The clerk of said court shall be elected by the people of the said city of Grand Rapids at its charter election in the spring, for the term of two years from and after the first Monday in May next ensuing his election, and until his successor is duly elected and qualified; but the first election under this section and amendment shall not take place until the charter election of the spring of eighteen hundred and ninety-six. In case a vacancy shall occur under this section because of death, resignation or otherwise, the judge of said court shall appoint a suitable When clerk shall be elected.

How vacancies filled in office of clerk.

person to fill such vacancy until the next charter election is held, when a clerk to fill such unexpired term shall be elected: *Provided*, Such person so appointed to fill such vacancy shall file his bond and qualify the same as if he had been elected.

Approved February 8, 1895.

[No. 13.]

AN ACT to amend sections two and five of act number one hundred sixty-one of the public acts of eighteen hundred eighty-five, entitled "An act to establish a police court of the city of Detroit," approved June ninth, eighteen hundred eighty-five, as amended, the same being compiler's sections six thousand five hundred ninety-one *e* nine and six thousand five hundred ninety one *f* two of Howell's annotated statutes, and to add one section thereto to be known as section twenty-seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two and five of act number one hundred sixty-one of the public acts of eighteen hundred eighty-five, entitled "An act to establish the police court of the city of Detroit," approved June ninth, eighteen hundred eighty-five, as amended, the same being compiler's sections six thousand five hundred ninety-one *e* nine and six thousand five hundred ninety-one *f* two of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

Time of election and term of office.

SEC. 2. At the April election in eighteen hundred ninety-five, a police justice shall be elected by the qualified electors of the city of Detroit to hold office for five years from the fourth day of July, eighteen hundred ninety-six, and at the April election in eighteen hundred ninety-seven, a police justice shall be elected by the qualified electors of the city of Detroit to hold office for five years from the fourth day of July, eighteen hundred ninety-eight, so that thereafter a police justice shall be elected at each biennial April election to hold office for four years from the fourth day of July succeeding his election. In case of a vacancy in the office of police justice, the common council of the city of Detroit shall, as soon as practicable, order a special election to fill such vacancy, in like manner as at the time is provided by law in case of a vacancy in the office of

In case of vacancy council to fill.

Special election.

mayor of said city; but no special election for police justice shall be held within three months next preceding the time herein appointed for the regular election of a police justice, unless there be more than one vacancy, in which case the common council may, in its discretion, order such special election to be held within the said three months.

The provisions of law relative to holding elections for city officers in said city, canvassing the votes and making returns thereof, and the disposition of and action upon such returns shall, so far as applicable, regulate and apply to all elections for said police justices. Whenever an election held under the provisions of this act shall, from any cause, occur on the same day with an election held under the charter of the city of Detroit for mayor, city clerk, city attorney, treasurer and councilmen, or for any one or more of said city officers, the names of the persons voted for for police justice shall be placed on the same ticket or ballot with the names of those voted for for the city officers aforesaid.

To be placed on ticket with other city officers.

SEC. 5. The police justice may be removed from office in like manner and for like cause as is provided by law for the removal of justices of the peace. The clerk and assistant clerks may be removed from office by the police justices upon proof of incompetency, gross neglect of duty, or willful misconduct in office. Resignation of office by any police justice shall be made to the mayor of the city of Detroit, who shall immediately inform the common council of said city thereof. Resignation of office by any clerk or assistant clerk shall be made to the police justices, who shall cause to be made an appropriate record of the same. Vacancy in office of police justice, clerk and assistant clerk shall be deemed to exist when the incumbent shall have died, resigned, been removed from office, ceased to be a resident of the city of Detroit, or wholly failed for any cause other than sickness, for a continuous period of three months, to perform the duties of his office. Vacancy in the office of clerk and assistant clerk shall also be deemed to exist if such clerk or assistant clerk shall not, within the time fixed by the common council, file a new or additional security when required, as provided in section four of this act.

How removed from office.

Resignation, to whom made.

Vacancy, when deemed to exist.

SEC. 2. A new section is hereby added to said act to stand as section twenty-seven and to read as follows:

In case of examinations of offenders by said police court for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the records of such court before or during the pendency of such examination if in the judgment of said court it be for the best interests of the public so to do, appointing some suitable stenographer, to be named by said court, to take down in shorthand the testimony of any such examination; and any stenographer so appointed shall receive such *per diem* compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in longhand such testimony, so taken in shorthand, as shall be fixed by the board of auditors of Wayne county, the same to be allowed and paid out of the treasury of

Examination of offenders by police court.

Appointment of stenographer.

Taking of
testimony.

said county: *Provided*, That it shall not be necessary for witnesses whose testimony is taken as above provided, to sign such testimony, but any witness shall have the right to have such testimony read over to him at his request. Such testimony when so written out in longhand shall be received and filed in the recorder's court for the city of Detroit and the circuit court for the county of Wayne without the signature of such witnesses for the same purposes and with like effect as the testimony of witnesses as now provided for by law, which is signed by said witnesses; and such testimony, so taken and written out in longhand shall be considered *prima facie* evidence of the testimony of said witnesses at such examinations.

This act is ordered to take immediate effect.

Approved March 5, 1895.

[No. 14.]

AN ACT to amend section two of act number two hundred and twenty-five of the public acts of one thousand eight hundred and seventy-nine, entitled "An act to provide for the incorporation of Baptist churches," so as not to prohibit women from being trustees of such churches.

Section
repealed.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and twenty-five of the public acts of one thousand eight hundred and seventy-nine, entitled "An act to provide for the incorporation of Baptist churches," be and the same is hereby amended so as to read as follows:

Qualification
of trustees and
manner of
election.

SEC. 2. The deacons or other persons who may be elected as trustees under this act, shall be citizens of the United States, twenty-one years of age or over when elected to office, and shall be elected by ballot in accordance with the usage and custom of such church, or in such manner as may be provided in their articles of incorporation.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[No. 15.]

AN ACT to amend section seventeen and section twenty of [chapter] act two, section twenty-one of chapter three, and section eleven of chapter eleven of act number one hundred and sixty four of the public acts of eighteen hundred and eighty-one, being sections five thousand and forty-nine, five thousand and fifty-two, five thousand and seventy-three and five thousand one hundred and forty-six of Howell's annotated statutes, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act."

SECTION 1. *The People of the State of Michigan enact,* Sections amended
That section seventeen and section twenty of chapter two, section twenty-one of chapter three, and section eleven of chapter eleven of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, being sections five thousand and forty-nine, five thousand and fifty-two, five thousand and seventy-three, and five thousand one hundred and forty-six of Howell's annotated statutes, be amended to read as follows:

CHAPTER II.

SEC. 17. Every citizen of the age of twenty-one years, Who qualified to vote at school meetings,
who has property assessed for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or who has resided three months next preceding such meeting on any territory belonging to such district at the time of holding said meeting, shall be a qualified voter in said meeting upon all questions, and all other citizens who are twenty-one years of age, and are the parents or legal guardians of any children included in the school census of the district, and who have for three months as aforesaid, been residents of said district or upon any territory belonging thereto at the time of holding any school meeting, shall be entitled to vote on all questions arising in said district, which do not directly involve the raising of money by tax.

SEC. 20. The qualified voters in any school district when lawfully assembled at the first and at each annual meeting, or at an adjournment thereof, or at any special meeting lawfully called except as hereinafter provided, shall have power: Powers of qualified voters at school meetings.

First, At the first meeting and at any meeting after the organization of the district, in the absence of the moderator, to appoint a chairman for the time being, and in the absence of the director to appoint some person to act in his stead, who shall keep a minute of the proceedings of such May appoint a chairman.

	meeting and certify the same to the director, to be by him entered in the records of the district;
May adjourn.	<i>Second,</i> To adjourn from time to time as occasion may require;
Elect district officers.	<i>Third,</i> To elect district officers as herein provided, and to determine at what hour the annual meeting shall be held;
May select a site.	<i>Fourth,</i> To designate, as hereinafter provided, a site or such number of sites as may be desired for schoolhouses, and to change the same when necessary;
To direct the purchasing of sites.	<i>Fifth,</i> To direct the purchasing or leasing of a site or sites, lawfully determined upon; the building, hiring or purchasing of a schoolhouse or houses, or the enlarging of a site or sites previously established;
Vote tax.	<i>Sixth,</i> To vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire or purchase a schoolhouse or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a schoolhouse or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less than ten children between the ages of five and twenty years, two hundred and fifty dollars; in districts having between ten and thirty children of like age, it shall not exceed five hundred dollars; and in districts having between thirty and fifty children of like age, it shall not exceed one thousand dollars. No legal subdivision of land shall be taxed for building a schoolhouse unless some portion thereof shall be within two and one-half miles of said schoolhouse site;
Limit of tax.	
Impose tax for repairs.	<i>Seventh,</i> To impose such tax as shall be necessary to keep their schoolhouse or houses in repair, and to provide the necessary appendages and school apparatus, and in districts having district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred, and also to pay for the services of any district officer. The tax herein authorized to be voted shall not exceed one-half of the amount which the district is authorized to raise for building schoolhouses;
Direct sale of schoolhouses or site.	<i>Eighth,</i> To authorize and direct the sale of any schoolhouse, site, building or other property belonging to the district, when the same shall no longer be needed for the use of the district;
Give direction in relation to suit.	<i>Ninth,</i> To give such directions and make such provisions as they shall deem necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested;
Appoint building committee.	<i>Tenth,</i> To appoint, as in their discretion it may be necessary, a building committee to perform such duties in supervising the work of building a schoolhouse as they by vote may direct;
Determine the time school shall be taught.	<i>Eleventh,</i> At the first and the annual meeting only, to determine the length of time a school shall be taught in their district during the ensuing year, which shall not be

less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in all other districts, on pain of forfeiture of their share of the primary school interest fund; but in case such matters shall not be determined at the first or annual meeting, the district board shall determine the same; and in case the district fails to vote for at least the minimum length required herein, the district board shall make provisions for said minimum length of school;

Twelfth, To appropriate any surplus moneys arising from the one mill tax after having maintained a school in the district at least eight months in the school year, for the purpose of purchasing and enlarging school sites, or for building or repairing schoolhouses or for purchasing books for library, globes, maps and other school apparatus, or for any incidental expenses of the school.

May appropriate surplus money for certain purposes.

CHAPTER III.

SEC. 21. It shall be the duty of the director of each school district:

Duties of school director.

First, To act as clerk, when present, at all meetings of the district and of the board;

To be clerk at meetings of board.

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books;

Record proceedings.

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law;

Give notice of annual district meetings.

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessors for all moneys to be disbursed by the district and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund upon which, it is drawn;

Draw warrants on township treasurer.

Fifth, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature;

Sign contracts with teachers.

Sixth, To provide, in his discretion, the necessary appendages for the schoolhouse, and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages, within the meaning of the law, shall consist of the following articles, to wit: a set of wall maps (the grand divisions, the United States and Michigan) not exceeding twelve dollars in price; a globe not exceeding eight dollars, a dictionary not exceeding eight dollars; a reading chart not exceeding five dollars, and a case for library books not exceeding ten dollars; also look-

Provide necessary appendages for school houses.

- ing glass, comb, towel, water pail, cup, ash pail, poker, stove, shovel, broom, dustpan, duster, wash basin and soap;
- Keep accurate account of expenses incurred as director.** *Seventh,* To keep an accurate account of all expenses incurred by him as director, and such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided for the purpose;
- Present at annual meeting estimate of expenses.** *Eighth,* To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for payment of the services of any district officer;
- File copies of reports made to school inspectors.** *Ninth,* To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all books, papers and other documents belonging to the office of director, or to the district when not otherwise provided for, and to deliver the same to his successor in office;
- To perform other duties as board directs.** *Tenth,* To perform such other duties as are or shall be required of the director by law or the district board.

CHAPTER XI.

Fines for breach of penal laws to be apportioned for township and district libraries.

SEC. 11. The clear proceeds of all fines for any breach of the penal laws of this State and for penalties or upon any recognizance in criminal proceedings and all equivalents for exemption from military duty when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer before the first day of June in each year, among the several townships in the county, according to the number of children therein, between the ages of five and twenty years, as shown by the statement of the superintendent of public instruction provided for in the preceding section, which money shall be exclusively applied to the support of the township and district libraries, and to no other purpose.

Approved March 8, 1895.

[No. 16.]

AN ACT requiring the Secretary of State and the deputy Secretary of State and the private secretary and executive clerk of the Governor to give bonds for the faithful discharge of their official duties.

Secretary of State and deputy, private secretary and executive clerk, required to give bonds.

SECTION 1. *The People of the State of Michigan enact,* That the Secretary of State and Deputy Secretary of State of this State, and the private secretary and executive clerk of the Governor of this State, shall be required within

twenty days after this act shall take effect, and their successors in office shall be required within twenty days after entering upon the duties of their respective offices, to give bonds to the people of the State of Michigan with three or more sureties to be approved by the Auditor General and Attorney General, conditioned for the faithful discharge of their official duties, and for the safe and lawful custody and disposition of the moneys and property of the State which may be intrusted to them or come within their control. The bond of the Secretary of State shall be in the sum of twenty-five thousand dollars, that of the Deputy Secretary of State shall be in the sum of twenty thousand dollars, and the bonds of the private secretary and the executive clerk of the Governor shall be each in the sum of five thousand dollars. The bonds of the Secretary of State and Deputy Secretary of State shall be filed and kept in the office of the Auditor General, and those of the private secretary and executive clerk shall be filed and kept in the office of the Secretary of State.

Amount of bond.

Where filed.

Approved March 13, 1895.

[No. 17.]

AN ACT to amend section ten of act number one hundred and ninety of the public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deceptions at elections in this State," approved July third, eighteen hundred and ninety-one.

SECTION 1. *The People of the State of Michigan enact,* That section ten of act number one hundred and ninety of the public acts of eighteen hundred and ninety-one, entitled "An act to prescribe the manner of conducting, and to prevent fraud and deceptions at elections in this State," approved July third, eighteen hundred and ninety-one, be and is hereby amended so as to read as follows:

Section amended.

SEC. 10. The said board of election commissioners shall cause to be printed on the ballot the names of the candidates nominated by the regularly called conventions of any party, and it shall be the duty of the State, district or county committee of each political party to forward to the chairman of the said board of election commissioners of each county in the State, not less than twenty days prior to any such election, a copy of the vignette adopted by them and the names of all candidates nominated at any regularly called convention at which candidates for any of the offices mentioned in section one of this act shall be nominated, and no other names, unless authorized or instructed

Duty of election commissioners relative to printing names on ballots.

Provide as to
names placed
on ballots.

In case candi-
date nominated
by two or more
parties, to give
notice of choice.

Name of candi-
date to be placed
in one column.

Provided
further.

by said convention. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees: *Provided*, That it shall be unlawful for said board of election commissioners to cause to be printed in more than one column on the ballot the name of any candidate who shall have received the nomination by two or more parties or political organizations for the same office. Any person so receiving the nomination for the same office by two or more parties or political organizations shall, within five days after his name has been certified to said election commission as having been nominated by two or more political parties for the same office, give notice to the board of election commissioners of each county in the State, if said nomination be for a State office, and to the board of election commissioners of each county in the district, if said nomination be for a congressional, judicial or legislative office, and to the board of election commissioners of the county, if such nomination be for a county office, specifying in such notice the column of which party or political organization on the ballot he wishes his name to be printed, and said board of election commissioners shall print the name of such candidate in such column on the ballot so specified by him, and in no other column. Such notice shall be given to said election commissioners by delivering the same either in person or by depositing the same in the postoffice, in a sealed envelope, with postage prepaid, directed to the chairman of such board of election commissioners at the county seats of the respective counties: *Provided further*, That in case any such candidate so nominated by two or more parties or political organizations for the same office, and whose names shall have been certified by the chairman and secretary of the committees of such parties or political organizations to said board of election commissioners within the time and as above provided, shall refuse or neglect to give notice to said board of election commissioners, as above provided, and within the time above named, specifying in which column on the ballot he wishes his name to be printed, then and in such case said board of election commissioners shall cause his name to be printed in the column of the party or political organization, from the chairman and secretary of whose committee said board of election commissioners shall have first received notice of such person's nomination for said office, and said board of election commissioners shall not cause the name of such person to be printed on the ballot as a candidate for the same office in any other column.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[No. 18.]

AN ACT to provide that the supreme, grand and subordinate temples of the Mystic Order of the New Kaaba of the State of Michigan may be incorporated.

SECTION 1. *The People of the State of Michigan enact,* Mystic Order of New Kaaba, act incorporating.
That the supreme, grand and subordinate temples of the Mystic Order of the New Kaaba, of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any five or more persons, residents of this State, being members of the supreme temple of the Mystic Order of the New Kaaba who desire to be incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of the State, having authority to take acknowledgment of deeds, and shall set forth therein, Number of persons may incorporate.

First, The names of the persons associating in the first instance, and their places of residence; Names, residence.

Second, The corporate name by which such association shall be known in law, which shall be the Supreme Temple of the Mystic Order of the New Kaaba, and the place where its business office is located; Corporate name of association.

Third, The object and purpose of such association, which shall be to promote the general welfare of the order, known as the Mystic Order of the New Kaaba; and to manage, control, govern, organize, institute and charter the grand and subordinate temples of the order; and the period for which it is incorporated, not exceeding thirty years. Object and purposes of association.

SEC. 3. Any five or more members of said order residing in this State, who are members of the grand temple of said order, desiring to become incorporated, shall make, execute and acknowledge in the manner and form prescribed in section two of this act, articles of association which shall set forth: Manner of incorporation.

First, The names of the persons associating in the first instance and their places of residence; Names, residence.

Second, The corporate name of the association, which shall be such as has been granted it by the supreme temple, and the place where its business office is located; Corporate name of association.

Third, The object and purpose of such association, which shall be to promote the general welfare of the order, known as the Mystic Order of the New Kaaba; and to manage, control, govern, organize, institute and charter subordinate temples of said order within its territorial jurisdiction, in accordance with the constitution and laws of said order prescribed by the supreme temple; and the period of the incorporation, which shall not exceed thirty years. Object and purposes of association.

SEC. 4. Any five or more members of any subordinate temple of said order, residing in this State, desiring to be incorporated, shall make, execute and acknowledge, Number of persons may incorporate subordinate temple.

	in manner and form as prescribed in section two of this act, articles of association, which shall set forth:
Names, residence.	<i>First</i> , The names of the persons associating in the first instance, and their place of residence;
Corporate name of association.	<i>Second</i> , The corporate name of the association, which shall be such as shall have been designated in its charter, and the place where its business office is located; and
Object and purposes of association.	<i>Third</i> , The object and purpose of the association, which shall be for social and moral purposes, and to promote the general welfare of the order known as the Mystic Order of the New Kaaba, and the period of its incorporation, which shall not exceed thirty years.
Articles of association to be filed with Secretary of State.	SEC. 5. The articles of any such association shall be recorded in the office of the Secretary of State, and a copy of the record thereof duly certified by such secretary, together with such certificate, shall be filed and recorded in the office of the clerk of the county where the business office of such association or temple is located: <i>Provided</i> ,
Proviso.	A copy of the articles of association of subordinate temples shall be recorded only in the office of the county clerk where such subordinate temple is located; and thereupon, the persons so associating therein, their associates and successors, shall be a body politic and corporate, by the name expressed in their respective articles, and by their said name, they and their associates and successors shall have succession, and shall be capable of suing and being sued, and shall have a common seal to be altered at pleasure, in such manner as the constitution or laws of the order shall prescribe. Such corporation may take, purchase, receive, hold and enjoy, real, personal and mixed property, not exceeding in amount one hundred thousand dollars; and may give, grant, mortgage, sell, lease, devise and dispose of all or any part of such property at pleasure; but no property of said association, or of any of the subordinate temples of said association, shall be exempt from taxation. A copy of any such articles of association and certificate so recorded by the county clerk, duly certified by said clerk, shall be <i>prima facie</i> evidence in all courts and tribunals of the due incorporation of such association.
May hold property.	
Proviso.	
Supreme temple may modify and revise constitution.	SEC. 6. The supreme temple shall have full and exclusive power to make, ordain, establish, enact, modify, revise, amend and repeal a constitution, laws, by-laws, rules and regulations for the government of the supreme, grand and subordinate temples of the order, and the governmental departments of such temples, not repugnant to the constitutions and laws of the United States, or of this State; and to designate, elect or appoint officers of the supreme temple, to designate grand or subordinate temples, under such name and styles as shall be prescribed in the constitution and laws of the order, and to designate the mode and time of electing or appointing of officers of such temples, and for their suspension and removal, and for the mode of accepting, organizing, instituting and chartering grand and subor-
Appoint officers.	

dinate temples of the order, and suspending or revoking any charter so granted. It shall have power to create and organize for itself, its grand and subordinate temples and to prescribe the powers and duties of each; and to create, manage and disburse, and provide for the creation, management and disbursement by grand and subordinate temples, of all funds collected by such temples. Further powers.

SEC. 7. No more than one association shall be incorporated under this act, as the supreme temple of the Mystic Order of the New Kaaba, and the articles of association of any grand or subordinate temple of said order shall not be accepted for record in the office of the Secretary of State, unless the same shall have endorsed thereon, the approval of the supreme temple of said order, by the supreme presiding officer and supreme secretary, duly attested by the seal of the supreme temple. No more than one supreme temple to be incorporated under this act.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[No. 19.]

AN ACT to amend sections one and three of act number ninety-six of the public acts of eighteen hundred and ninety-one, entitled "An act to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts of the counties of Iosco, Ogemaw, Alcona, Crawford and Oscoda, now composing the twenty-third judicial circuit."

SECTION 1. *The People of the State of Michigan enact,* Sections amended. That sections one and three of act number ninety-six of the public acts of eighteen hundred and ninety-one, entitled "An act to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts of the counties of Iosco, Ogemaw, Alcona, Crawford and Oscoda, now composing the twenty-third judicial circuit, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Appointment of stenographer. That from and after the passage of this act the stenographer of the circuit courts of the counties of the twenty-third judicial circuit shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, except that the court may suspend him for misconduct or incompetency, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court An officer of the court, duties of.

Compensation to
be apportioned
to different
counties.

at each term and take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury at law or in chancery, and as compensation for such services he shall receive the sum of fifteen hundred dollars per annum, which said sum shall be paid in quarterly installments out of the county treasuries of the counties of said circuit, in the following proportions and amounts: The county of Iosco nine hundred dollars per annum; the county of Alcona the sum of three hundred dollars per annum, and the county of Oscoda the sum of three hundred dollars per annum; and the several county treasurers of said county shall pay the annual salary of said stenographer in quarterly installments, in accordance with this act, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

This act is ordered to take immediate effect.

Approved March 16, 1895.

[No. 20.]

AN ACT providing for the employment, defining the duties and fixing the compensation of a stenographer for the thirty-fourth judicial circuit of the State of Michigan.

Appointment of
stenographer.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the circuit courts composing the thirty-fourth judicial circuit shall be appointed by the Governor, on the nomination of the judge of said circuit. The person so appointed shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. He shall be an officer of the court, and shall reside in said thirty-fourth judicial circuit, and shall hold his office during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

Proviso,

May appoint
deputies.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have power to revoke such appointment at any time.

Proviso,

Duty and com-
pensation of
stenographer.

SEC. 3. It shall be the duty of the said stenographer to attend upon the circuit court of each of the counties composing said circuit during each term thereof respectively, and to take full stenographic notes of all testimony given, and proceedings had upon the trial or hearing of cases therein. The stenographer so appointed shall receive

as a compensation for such services the sum of fifteen hundred dollars per annum, which said sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of such counties respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when so notified the treasurer of each county shall thereafter, until a new apportionment of salary is made, pay in monthly installments, the annual salary of said stenographer in accordance with said apportionment and notification of said circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

How compensated.

Judge to apportion amount to each county.

SEC. 4. In case counsel for either party to any suit or proceeding at law or in equity shall desire a transcript of the whole or a part of the testimony or proceedings in any case, for the purpose of moving for a new trial, or removing it to the supreme court, it shall be the duty of the stenographer of the court reporting said testimony or proceedings to furnish the same, and he shall be entitled to receive therefor from the party so requiring it, on delivery of said copy, the sum of eight cents per folio for each copy so transcribed, and should said party so ordering said transcript and at the time of giving such order signify his wish for two copies or transcripts of said stenographer's notes of said testimony or proceedings, the said stenographer shall furnish the second copy for two cents a folio, and the money so paid the stenographer for said first copy shall be recovered as a part of the taxable costs of the party in such motion or in the supreme court: *Provided*, That in any case the court may order the stenographer to make a transcript of the testimony and proceedings in said case, and such transcript shall be deemed the official record of the court: *Provided further*, That if the presiding judge shall direct a copy of the testimony and other proceedings upon any trial to be made for his own use, the stenographer shall make and file the same, without costs to either party; such copy shall be made within such time as the court shall order.

To furnish transcripts.

Fee therefor.

Proviso.

Further proviso.

SEC. 5. Each and every issue of fact, at law or in chancery, tried or heard before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant, at the commencement of each trial or hearing, into the hands of the clerk and by him into the county treasury of the county in which said case is tried or heard.

Fee to be paid by plaintiff in certain cases.

Preservation of
notes.

SEC. 6. The stenographer or assistant stenographer who shall take the notes of the trial or hearing in any case, shall prefix to his notes of the testimony of each witness, the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all his notes taken in said cause and properly entitle them upon the outside and safely keep the same in his office. And in the event of his death or resignation, or his removal from office or from this State, said notes shall be transferred to the county clerk of the county where the case was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the record in all said cases, and shall be subject to inspection as other records in the case.

Proviso.

Repealing
clause.

SEC. 7. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in the thirty-fourth judicial circuit.

This act is ordered to take immediate effect.

Approved March 16, 1895.

[No. 21.]

AN ACT to amend section three of act number twenty-six of the public acts of eighteen hundred and ninety-one, entitled "An act providing for the employment of, defining the duties, and fixing the compensation of a stenographer of the twenty-sixth judicial circuit of the State of Michigan," approved April fourteenth, eighteen hundred ninety-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number twenty-six of the public acts of eighteen hundred and ninety-one, entitled "An act providing for the employment of, defining the duties, and fixing the compensation of a stenographer of the twenty-sixth judicial circuit of the State of Michigan," approved April fourteenth, eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

Stenographer
to be officer of
court.
Duty of.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term and take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit in the following proportion and amounts: The county of Alpena, one thou-

Compensation of
stenographer.

sand dollars per annum; the county of Presque Isle, two hundred fifty dollars per annum, and the county of Montmorency the sum of two hundred fifty dollars per annum; and the several county treasurers of said counties shall pay the annual salary of said stenographer in monthly installments, in accordance with this act, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Apportionment
of salary by
counties.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 22.]

AN ACT to provide for the compensation and duties of the stenographer of the twenty-fourth judicial circuit, and to amend section five and section six of act number two hundred and nineteen of the session laws of Michigan for the year eighteen hundred eighty-seven, the same being continuous paragraphs six thousand five hundred and thirty four j one and six thousand five hundred and thirty-four j two of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section five of act number two hundred and nineteen of the session laws for the year eighteen hundred eighty-seven, being an act entitled "An act to provide for the appointment, compensation and duties of a stenographer of the twenty-fourth judicial circuit court," said section being paragraph six thousand five hundred and thirty-four j one of Howell's annotated statutes of Michigan, [be] and the same is hereby amended to read as follows:

Enacting clause.

SEC. 5. In case the counsel for either party shall desire a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, it shall be the duty of the stenographer so appointed to furnish the same within a reasonable time, and he shall be entitled to demand and receive therefor, from the party so requiring it, the sum of six cents per folio for each folio so transcribed, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the supreme court: *Provided*, That if the judge shall so direct he shall make and file a copy of the testimony without fee or charge to any person, and the testimony so furnished and filed shall be deemed the official record of the court: *And provided further*, That in criminal cases the prosecuting attorney of the county in which any case has been tried, whenever a copy of the testimony in such

Stenographer
to furnish copy
of testimony.

Fees.

Proviso.

Further proviso
in criminal
cases.

case shall have been furnished to the defendant, shall be entitled to a copy of such testimony free of charge.

Sec. 6 amended.

SEC. 2. And that section six of the same act, being section six thousand five hundred and thirty-four j two of Howell's annotated statutes, be amended to read as follows:

Salary of stenographer.

SEC. 6. The stenographer so appointed shall receive as a compensation for such services the sum of sixteen hundred dollars per annum, which sum shall be paid in monthly installments as hereinbefore provided, out of the county treasury of the counties composing said circuit in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties respectively, the preceding year, upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided*, The circuit judge shall certify thereon that said services have been faithfully performed.

Proviso.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 23.]

AN ACT to amend section one of act number one hundred and two of the public acts of eighteen hundred and ninety-three, entitled "An act to authorize any railroad company now organized or that may hereafter be organized under the laws of this State, to sell, lease and convey its property and franchises to any other railroad company, whether organized within or without this State, and to provide for securing payment therefor," approved May twenty-third, eighteen hundred ninety-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and two of the public acts of eighteen hundred ninety-three, entitled "An act to authorize any railroad company now organized or that may hereafter be organized under the laws of this State to sell, lease and convey its property and franchises to any other railroad company, whether organized within or without this State and to provide for securing payment therefor," approved May twenty-third, eighteen hundred ninety-three, be and the same is hereby amended so as to read as follows:

Lawful for railroad companies to sell or lease road to other companies.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any railroad company organized or that may be organized under the laws of this State, to sell, lease and convey its road, together with the rights and franchises connected therewith, or any part or portion thereof, to any other railroad company, whether organized within or

without this State; and to acquire by lease or purchase from the owner of any other railroad, such road, together with the rights and franchises connected therewith, or any part or portion thereof, whether located within or without this State; and for the railroad company so purchasing or leasing to acquire and use such road, rights and franchises by purchase of the stock or otherwise, as may be agreed between the parties interested, said railroads not to have the same terminal points and not being competing lines: *Provided*, The stockholders owning a majority of the stock of said companies shall consent thereto: *And provided further*, That the company so purchasing or leasing shall hold and operate such road and said property and franchises subject to all the duties and obligations and with all the rights and privileges prescribed by the general railroad laws of this State.

Provide as to stockholders.

Provided further.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 24.]

AN ACT to provide for a special canvass of votes cast in elections to fill vacancies in the office of State senator and representative held during a session of the Legislature.

SECTION 1. *The People of the State of Michigan enact*, That in case of a special election held to fill a vacancy in the office of State senator or of representative in the State legislature during a session of the legislature, the board of county canvassers shall meet on the Thursday next succeeding the day on which the election is held, and the board of district canvassers shall meet on the succeeding Saturday, and shall make the canvass and declare the result of such election as now provided by law in case of general elections in this State.

Board of canvassers, when to meet.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 25.]

AN ACT to amend section nine of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and con-

veyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening the provisions of this act."

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore or hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three be and the same is hereby amended so as to read as follows:

Exemptions. SEC. 9. The following personal property shall be exempted from taxation, to wit:

Charitable institutions. *First,* The personal property of benevolent, charitable, educational and scientific institutions, incorporated under the laws of this State: *Provided,* That such exemptions shall not apply to secret or fraternal societies, but the personal property of all charitable homes of such societies shall be exempt;

Public libraries. *Second,* Of all library associations, circulating libraries, libraries of reference, and reading rooms owned or supported by the public, and not used for gain;

Grand army posts. *Third,* Of all posts of the grand army of the republic, sons of veterans, union veterans' unions, and of the women's relief corps connected therewith, of all young men's christian associations, and of women's christian temperance union associations, young people's christian unions, and other similar associations;

Pensions. *Fourth,* Pensions receivable from the United States;

Certain debts. *Fifth,* So much of the debts due or to become due as shall equal the amount of *bona fide* and unconditional debts by the person owing;

Indians. *Sixth,* The property of Indians who are not citizens;

Pictures, etc. *Seventh,* The library, family pictures, school books, one sewing machine used and owned by each individual or family, and wearing apparel of every individual;

Furniture, provisions, fuel. *Eighth,* Household furniture, provisions and fuel to the value of five hundred dollars to each household: *Provided.* No person paying board shall be deemed a householder;

Mechanic's tools. *Ninth,* The working tools of any mechanic not to exceed in value the sum of one hundred dollars;

Tenth, Of all fire engines and other implements used in extinguishing fires, owned or used by any organized or independent fire company; Fire engines.

Eleventh, All mules, horses and cattle not over one year old, all sheep and swine not over six months old, and all domesticated birds; Mules, horses and other animals.

Twelfth, Personal property owned and used by any householder, in connection with his business of the value of two hundred dollars. Personal property.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 26.]

AN ACT to create boards for selecting grand and petit jurors in the counties of the upper peninsula, to provide the requisite qualifications of such jurors and the manner of selecting them, and to repeal act number one hundred and forty-two of the public acts of eighteen hundred and eighty-three, and all other acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That the county clerk, judge of probate, sheriff and county treasurer of each county in the upper peninsula are hereby constituted a board for the purpose of selecting lists of names of persons annually to act as grand and petit jurors in the circuit courts in such counties. Who to constitute board for the purpose of selecting jurors in upper peninsula.

SEC. 2. Said board shall meet annually in the month of May, at the court house, at such exact time and place as they may agree upon, and it shall be their duty to select and prepare a list of persons qualified to serve as petit jurors in said courts, as hereinafter provided, and file the same with the county clerk. Said list shall be used in drawing petit jurors for the succeeding year, ending May thirty-first, and until a new list is prepared and filed, instead of the lists now required by law to be annually returned by the supervisors and clerks of the townships. Annual meeting of board.

SEC. 3. Said board shall proceed to select from the various poll lists of each township and ward last filed in the county clerk's office the names of suitable persons having the qualifications of electors, to serve as such jurors. Such persons need not be taxpayers, and it shall not be necessary that their names appear upon any assessment roll. In making such lists and selections, said board shall arrange and apportion the names selected into groups, one for each township or ward, regardless of assessment districts, according to residence, which said groups shall take the place of, and in drawing jurors for the term under the general law, shall be treated as the lists heretofore returned by the List of names to be filed with county clerk. Board to select names from poll lists. Qualifications of electors.

Board to select names of competent persons to serve as jurors.

Number of names list to contain.

Board to select persons to serve as grand jurors.

Number of names on list.

After lists are made names to be written out and signed by members of board.

Challenges, how made.

Proceedings in selecting jurors to be governed by general law.

Repealing clause.

supervisors and clerks of the townships and wards. Said board shall take the names of only such as are not exempt from serving on juries, who are in possession of their natural faculties, not infirm or decrepit, of good character, of known integrity, of sound judgment, well informed, conversant with the English language, free from legal exceptions, and who have not made, and in whose behalf there has not been made, to the officers of said board, any application to be selected and returned as jurors. Such list, selected and apportioned as aforesaid, shall contain not less than one for every fifty inhabitants of each township or ward, computing according to the last preceding census, having regard to the population of the county, so that the whole number of jurors selected in the county shall amount to at least one hundred, and not to exceed four hundred.

SEC. 4. Said board shall also make in like manner, a list of persons to serve as grand jurors, which list shall not contain any name returned upon the petit jury list, and shall contain at least one hundred names; and, in making such list they shall select, as near as may be, a proportionate number from each township and ward.

SEC. 5. After such lists of names are selected they shall be written out and signed by the members of the board, or a majority thereof, and filed with the county clerk. Their legality or regularity shall not be questioned provided it appears that the signatures of a majority of said officers are affixed to such lists; and, if it appears that the names of any persons not qualified to serve as jurors are included in such lists, the same shall not be a ground of challenge to the array, but only a ground of personal challenge to the individual shown to be so disqualified.

SEC. 6. All other proceedings in the selecting and drawing of grand and petit jurors not herein provided for and not inconsistent herewith shall be governed by the general law of this State.

SEC. 7. Act number one hundred forty-two of the public acts of eighteen hundred eighty-three and all other acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 27.]

AN ACT to amend section six of an act entitled "An act to provide for the appointment, defining the duties and fixing the compensation of a stenographer of the circuit court for the county of Saginaw," approved May seventh, eighteen hundred and eighty-one, being section six thousand five hundred and twenty-eight of Howell's annotated statutes, as amended by act number two hundred and

seventeen of public acts of eighteen hundred and eighty-seven, approved June twenty-second, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section six of an act entitled "An act to provide for the appointment, defining the duties and fixing the compensation of a stenographer for the circuit court for the county of Saginaw," approved May seventh, eighteen hundred and eighty-one, being section six thousand five hundred and twenty-eight of Howell's annotated statutes, as amended by act number two hundred and seventeen of public acts of eighteen hundred and eighty-seven, approved June twenty-second, eighteen hundred and eighty-seven, be and the same is hereby further amended so as to read as follows:

SEC. 6. In case counsel for either party shall desire a copy of the testimony and proceedings in any cause whether at law or in chancery, for the purpose of final hearing, moving for a new trial, rehearing, preparing a bill of exceptions, settling a case, or removing the cause to the supreme court, it shall be the duty of the stenographer so appointed to furnish the same copied out in plain, legible English within a reasonable time, and he shall be entitled to demand and receive therefor, from the party so requiring it, the sum of six cents per folio: *Provided, however,* That where two copies thereof are required and made at the same time, he shall furnish such copies at the rate of four and one-half cents per folio for each copy so transcribed, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party: *Provided,* That if it shall [by] be proper and satisfactory showing under oath be made to appear to the court, or judge thereof at chambers, that the party so applying for such transcript is by reason of poverty unable to pay the expense of such transcript, and that such transcript is necessary, the court or the judge thereof, at chambers, may, in his discretion, order the stenographer to make a transcript of the testimony and proceedings in said case, or any part thereof, without charge, except in case the party so applying for such transcript shall recover costs, either in the circuit or supreme court; the costs of such transcript, so procured by him, shall be made a part of the taxable costs, and shall be paid into court for the sole benefit of the stenographer furnishing such transcript: *Provided further,* That in any criminal case, where proper showing under oath is made, that the defendant is unable, through poverty, to pay for the same, the court may, upon request of counsel for the defense, order the stenographer to make a transcript of the testimony or proceedings in said case, or such part thereof as may be necessary, said transcript, when so made, to be paid for by the county at the rate herein established for transcripts in civil cases: *Provided also,* That when a transcript in a criminal case is required by the prosecuting attor-

Stenographer to furnish transcript of testimony and proceedings in any cause.

Charges for.

Provido when applicant cannot pay charges.

Provido as to copy in criminal cases.

Provido when transcript is for use of prosecuting attorney.

ney for his sole use, the court may order such transcript to be made free of charge. In all cases where the judge may require such transcript for his own use, it shall be the duty of such stenographer to make and file the same without charge within such reasonable time as the judge may direct, and the same shall be deemed the official record of the court.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 28.]

AN ACT to provide for the management and control, and for the extension of the usefulness of the State library.

State library,
location and con-
tents of.

SECTION 1. *The People of the State of Michigan enact,* That the State library shall be kept in the room in the capitol which it now occupies, unless some other provision shall be made by the legislature in reference thereto. It shall consist of the books, pamphlets, papers, pictures, maps, charts, and documents of every description now belonging to the same, together with all such others as it may acquire by gift, purchase, exchange or otherwise. The members of both houses of the legislature and the executive and judicial officers of the State shall at all times have free access thereto, under such rules and regulations as may be made for governing the library.

Who to consti-
tute committee
on library rules.

SEC. 2. The Governor, the two legislative committees on the State library and the State librarian, acting jointly, shall make and execute, modify and amend such rules and regulations, not conflicting with the statutes governing the library, as they may deem proper relative to the use and loans of books from the State library, and also such rules prescribing penalties and fines for any violation thereof. Such rules and regulations, when adopted, shall remain in force until modified or amended. In case it becomes necessary, during the recess of the legislature, to modify or amend a rule, or adopt a new one, the Governor and the State librarian may make such modification, amendment or new rule, and the State librarian shall report such action to the legislature at its next session for reference to the committees on the State library.

Rules may be
amended.

Governor to
appoint State
librarian.

SEC. 3. A State librarian shall be appointed by the Governor, by and with the consent of the Senate, who shall hold the office for the term of four years. The librarian shall have the care and charge of the library and of the affairs pertaining thereto, and shall make a report to the legislature at the commencement of each regular session thereof, as to its condition and the number and description of the

volumes as contained therein. The salary of the State librarian shall be twelve hundred dollars per annum, payable monthly out of the State treasury, upon the warrant of the Auditor General.

Salary of State librarian.

SEC. 4. The State librarian shall, before entering upon the duties of the office, file with the Secretary of State his receipt for all property entrusted to him, take and subscribe the oath of office prescribed by the constitution and give a bond in the penal sum of ten thousand dollars, with sureties to be approved by the Secretary of State, conditioned for the safe keeping of such property as may be entrusted to his care. Said bond and receipt shall be filed in the office of the Secretary of State, and they shall not be canceled, nor shall the sureties on said bond be released from their obligations thereon, until the receipt of the successor to the said librarian, for the property delivered over to him, shall have been obtained and payment for all deficiencies made.

Librarian to file receipt for property with Secretary of State.

To give bond.

SEC. 5. The Governor shall have the power to remove the State librarian at any time for incompetency, neglect of duty, misfeasance or malfeasance in office, and to appoint another person to fill the vacancy; but the reasons for such removal, together with the name of the appointee to fill such vacancy, shall be laid before the Senate, if in session, if not in session, then at the next session of the legislature. The appointment made to fill such vacancy shall be subject to the advice and consent of the Senate at such session. In case of a vacancy in the office of the State librarian from any other cause, the Governor shall appoint another person to fill the same, which appointment shall be subject to the advice and consent of the Senate if in session, if not in session then at the next session of the legislature thereafter.

Governor may remove librarian for cause.

Vacancy, how filled.

When Governor may fill vacancy.

SEC. 6. The State librarian is hereby authorized to appoint, with the advice and consent of the Governor, one assistant, who shall be known as the assistant State librarian and who shall give to the State librarian a good and sufficient bond, approved by the Secretary of State, for the safe keeping of the property held in charge and who shall take and subscribe the constitutional oath of office. It shall be the duty of the assistant State librarian to aid in the care of the books, the keeping of the accounts, and to render such assistance as the State librarian may require. The salary of the assistant State librarian shall be nine hundred dollars per annum, payable monthly out of the State treasury, upon the presentation of a voucher certified to by the State librarian and drawn upon the warrant of the Auditor General from any funds not otherwise appropriated. The assistant librarian shall at any time be subject to removal, when in the opinion of the State librarian and the Governor the interests of the State library require it.

Librarian to appoint assistant.

Assistant librarian to give bond and take oath.

Duties of assistant.

Salary of.

When assistant subject to removal.

Librarian may employ additional assistance.

SEC. 7. The State librarian is hereby authorized to employ, with the approval of the Governor, such additional assistance as may be necessary for the care and management of the library, at a salary not exceeding eight hundred dollars per annum for each person so employed, to be paid in the same manner as provided in case of the assistant librarian.

Officers and employees of the State are required to show certificate that all books have been returned before final settlement.

SEC. 8. Before any member of the legislature, or of any convention to revise the constitution, or other officer or employé of the State, who may be authorized by the rules of the State library to draw therefrom, shall receive their pay in full, it shall be necessary for them to obtain and exhibit from the State librarian, a certificate stating that they have returned all the books they may have drawn from the State library. Before a final settlement with any State employé it shall be the duty of the State officers to require such employés to obtain and exhibit to the officer in charge of their respective departments, the certificate above referred to.

Librarian authorized to exchange books, statutes, etc.

SEC. 9. The State librarian shall exchange the judicial decisions, statutes, journals, legislative and executive documents of Michigan, and other books placed in the care of the State librarian for the purpose of exchange, with the libraries of other states and the government of the United States, and of foreign countries, and with societies and institutions. The State librarian may sell or exchange duplicate volumes or sets of works not needed for use in the State library and apply the proceeds to the purchase of other books for the library.

Appropriation for the purchase of books.

SEC. 10. The sum of five thousand dollars, to be assessed, levied and collected in the same manner as other State taxes, is hereby appropriated for each of the years eighteen hundred ninety-five and eighteen hundred ninety-six for the purchase of books and such other material as is appropriate to be added to the State library. The money so appropriated shall be drawn from the State treasury upon the warrant of the Auditor General and shall be expended by the State librarian with the advice and consent of the Governor for the purchase of books, pamphlets, papers, maps, documents and other matter for the library and for other purposes of benefit and advantage to said library.

How drawn.

Who may become associate libraries.

SEC. 11. Any public, incorporated, school, or college library in the State having not less than one thousand volumes, other than publications furnished by the State, may, upon compliance with the provisions of the rules prescribed by the library committee, become an "associate library" with the State library and be entitled to all the privileges accorded by this act to associate libraries. It shall be the duty of the State librarian to issue, to any eligible library complying to the rules above mentioned, a certificate of association showing that such library has become an "associate library" The associate relationship may be terminated

at any time by a surrender of said certificate and the return of all books belonging to the State library, whereupon the State librarian shall return to the librarian of such associate library any bonds or deposits held for the return of books. The associate relationship may also be terminated by a violation of such rules as the library committee may prescribe.

When associate libraries may terminate relationship.

SEC. 12. The librarian of every such associate library shall make an annual report to the State librarian of the names of its directors, trustees or managers, the number of volumes contained in such library and the number of volumes drawn therefrom during the preceding year. Such report shall be made at the close of the fiscal year of such associate library. The librarian shall also report at once any changes made in its directors or officers during the year.

Associate librarian may lend books to State librarian.

SEC. 13. Under such reasonable rules and regulations as may be prescribed therefor, the State librarian, upon the requisition of the librarian of any associate library, may lend to such associate library any book which may be called for by any patron of such associate library, except such books, pamphlets, papers, maps, or documents as, in the discretion of the State librarian cannot, consistently with the best interests of the State library, be allowed to be taken therefrom: *Provided*, That all expense of transportation shall in all cases be paid by the associate library borrowing such book or other property.

State librarian may lend books to associate library.

Provide as to,

SEC. 14. The directors, trustees, or managers, or the librarian of any associate library shall be entitled to ask from the State librarian any needed advice or instruction as to a library building, furniture, equipment, government, service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or other matter pertaining to the establishment, reorganization or administration of a public library. It shall be the duty of the State librarian to impart any such advice or instruction in his possession, whenever requested by any officer of an associate library.

When State librarian may give advice to associate librarian.

SEC. 15. If the responsible officers or managers of any associate library shall disregard, violate or refuse to comply with the rules and regulations relative to the loaning of books, such associate library shall be debarred from the privileges granted by this act.

Violation of rules to debar associate libraries from privileges.

SEC. 16. The State librarian shall keep a complete record of associate libraries and of the transactions therewith, and shall include in his report to the legislature a summary of the facts set forth in the application of such libraries, together with such other matters relating to such libraries as may be of public interest and value.

State librarian to keep record of associate libraries.

SEC. 17. There shall be appropriated from the treasury of the State, from funds not otherwise appropriated, the sum of two thousand five hundred dollars for the purchase of books and equipment of those libraries which shall be

Appropriation for Michigan traveling library.

designated as "Michigan Traveling Libraries." Under such rules as the library committee may prescribe, they may lend from the State library duplicate department, or from books specially given or bought for this purpose, selections of books for a limited time to any library in this State, or to any community not yet having established such library, but which has conformed to the conditions in said rules required for such loans.

Repeating
clause.

SEC. 18. All acts or parts of acts so far as they contravene the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[No. 29.]

AN ACT to amend section one of an act entitled "An act to authorize the appointment of a commissioner of mineral statistics and defining the duties and compensation of the same," approved February eighth, eighteen hundred and seventy-seven, as amended by act number one hundred and eighty of the public acts of eighteen hundred and seventy-nine, being compiler's section eight hundred and thirty-nine.

Enacting clause.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act to authorize the appointment of a commissioner of mineral statistics and defining the duties and compensation of the same," approved February eighth, eighteen hundred and seventy-seven, as amended by act number one hundred and eighty of the public acts of eighteen hundred and seventy-nine, being compiler's section number eight hundred and thirty-nine, be amended so as to read as follows:

Governor to ap-
point commis-
sioner of mineral
statistics.
Term of office.

SECTION 1. That it shall be the duty of the Governor of the State of Michigan to appoint, by and with the consent of the Senate, a commissioner of mineral statistics for the State. The term of the office of the present commissioner shall expire on the thirty-first day of March in the year eighteen hundred and ninety-five, and the term of office of his successor shall commence on the first day of April thereafter, and shall continue for two years, or until his successor shall be named. It shall be the duty of said commissioner to make an annual report to the Governor, setting forth in detail the mineral statistics for the year; with the progress and development of its mining and smelting industries.

Commissioner
to make annual
report.

This act is ordered to take immediate effect.

Approved March 21, 1895.

[No. 30.]

AN ACT to provide for the continuance of the recompilation and copying of the records in the office of the Adjutant General pertaining to the enlistment, muster, history, and final disposition of the soldiers or sailors from this State during the war of the rebellion, and to make an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,* That the Adjutant General is hereby authorized and directed to provide suitable books and to recompile and copy from papers now on file in his office, or from such other official papers as he may obtain, the military or naval history of each and every soldier or sailor, who enlisted from or was credited to this State during the war of the rebellion. Such history shall show, as far as may be possible, the name, age, date of enlistment, military or naval history and final disposition of each such soldier or sailor.

Adjutant General to compile war history of soldiers and sailors from this State.

What history to show.

SEC. 2. The sum of eight thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State treasury to the credit of the general fund not otherwise appropriated, for the purposes mentioned in this act. The Auditor General shall draw his warrant upon the State Treasurer upon the certificate of the Adjutant General not to exceed the sum above mentioned, as the same may be required to carry out the provisions of this act.

Amount of appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-five the sum of four thousand dollars, and a like sum for the year one thousand eight hundred and ninety-six, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section two of this act.

Amount to be incorporated in State tax by Auditor General.

This act is ordered to take immediate effect.
Approved March 22, 1895.

[No. 31.]

AN ACT to amend section three of act number one hundred thirty-five of the session laws of eighteen hundred sixty-seven, entitled "An act for the incorporation of industrial and other charitable schools, approved June twenty-seventh, eighteen hundred sixty-seven," the same being section four thousand six hundred of Howell's annotated statutes of Michigan, as amended by act number thirteen of the public acts of eighteen hundred ninety-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number one hundred thirty-five of the session laws of eighteen hundred sixty-seven, entitled "An act for the incorporation of industrial and other charitable schools," approved June twenty-seventh, eighteen hundred sixty-seven, the same being section four thousand six hundred of Howell's annotated statutes of Michigan, as amended by act number thirteen of the public acts of eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

Number of
trustees.

How chosen.

SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than fifty trustees, to be chosen by the members thereof, to be divided into equal groups as near as may be, one-third to be elected for one year, one-third for two years, and the remainder for three years, and each year thereafter the requisite number of trustees to be chosen for the term of three years; all trustees to hold office until their successors are chosen. The secretary and treasurer shall be chosen from the said trustees. The other officers of the corporation shall *ex officio* act as trustees. The officers of such corporation may be chosen by said trustees or by the members of said corporation as the articles of association shall prescribe. The by-laws of such corporation shall be drafted by such trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum to transact business, and all such trustees and officers shall be citizens of the United States and residents of the State of Michigan.

Selection of
officers.

By-laws.

Quorum.

Approved March 22, 1895.

[No. 32.]

AN ACT to amend the title and section one of act number three hundred fifty-five of the session laws of eighteen hundred sixty-five, entitled "An act to provide for the incorporation of Reformed Protestant Dutch Churches," approved June twenty-second, eighteen hundred sixty-five, being section four thousand six hundred eighty of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That the title of act number three hundred fifty-five of the session laws of eighteen hundred sixty-five, be and the same is hereby amended so as to read "An act to provide for the incorporation of Reformed Protestant Churches."

SEC. 2. That section one of said act be and the same is hereby amended so as to read as follows:

[4680.] SECTION 1. *The People of the State of Michigan enact,* Who to be trustees.
That the minister or ministers, elders and deacons, and if during any time there be no minister, then the elders and deacons during such time, of every reformed protestant church or congregation, now or hereafter to be established in this State, and elected according to the rules and usages of such churches within this State, shall be the trustees of every such church or congregation, and it shall be lawful for the said trustees, if not already incorporated, Incorporation of.
to assemble together as soon as they shall deem it convenient, and execute under their hands and seals, a certificate, certifying the name and title by which they and their successors forever, as a body corporate, by virtue of this act, shall be known and distinguished, which certificate, being duly acknowledged or proved as aforesaid, shall be recorded by the clerk of such county, in a book to be by him provided as aforesaid; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate; and it shall be lawful for the trustees of any such church or congregation, elected by virtue of any former law of this State, by writing, under their hands and seals, to be proved, acknowledged and recorded as aforesaid, to declare their will not to continue any longer a body corporate; and thereupon such body corporate shall cease, and all the estate, real and personal, held by them, shall pass to and be vested in the trustees of such church or congregation, made a body corporate in the manner above directed: *Provided always,* That nothing herein contained shall be construed in any manner to impair or alter the rights of any of the chartered churches within this State.

Approved March 22, 1895.

[No. 33.]

AN ACT to amend sections seven, eight, nine and ten of act number one hundred and ninety-two, of the public acts of eighteen hundred eighty-seven, entitled "An act to amend act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, approved June tenth, eighteen hundred eighty-one, being chapter fifty-two of Howell's annotated statutes, relative to the protection of children in certain cases, by adding thereto four new sections to stand as sections seven, eight, nine and ten of said act," approved June eighteen, eighteen hundred and eighty-seven, as amended by act number one hundred and fifty-three of the public acts of eighteen hundred and eighty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections seven, eight, nine and ten of act number one hundred and ninety-two of the session laws of eighteen hundred and eighty-seven, entitled "An act to amend act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, approved June ten, eighteen hundred eighty-one, being chapter fifty-two of Howell's annotated statutes, relative to the protection of children in certain cases, by adding thereto four new sections to stand as sections seven, eight, nine and ten of said act," approved June eighteen, eighteen hundred eighty-seven, as amended by act number one hundred and fifty-three of the public acts of eighteen hundred and eighty-nine, be and are hereby amended so as to read as follows:

Person desiring
to have child ap-
prenticed, must
file application.

SEC. 7. That any person desiring to have a minor child apprenticed, indentured or otherwise disposed of, to him or her, by any person, asylum, corporation or other institution incorporated under the laws of this State for minor children, or by any private asylum or institution in this State, if any there be, by the officers of such asylum or institution, shall apply in writing to the county agent of the State Board of Corrections and Charities of the county in which the applicant resides, and in case there shall be no such agent in said county, then such application shall be made to one of the superintendents of the poor of such county, requesting the officer to whom such application is made to examine and report in writing, to the asylum or institution having the custody and control of said child, on the suitability of the home of said applicant for said child. And thereupon it shall be the duty of such agent or superintendent of the poor to make such examinations and report, and cause such report to be filed in the office of the asylum or institution having control of the child, and a copy thereof with the judge of probate of said county,

Contents of
application.

on the payment, by said applicant, to said agent or superintendent of the poor, the sum of three dollars for his services under this act. And in no case shall any child be indentured, apprenticed or otherwise disposed of, to any applicant, by any such asylum or institution, unless there be such examination and report which shall show that the applicant is a person of good moral character, that he is able to support and educate the child, and that his home is a suitable one for the child.

SEC. 8. That on filing said application and certificate approving said applicant in the office of such asylum or institution, and a copy of such certificate with the judge of probate as herein provided, a contract in writing shall be entered into by and between said applicant and the principal officer of such asylum or institution, or such officer or agent of such asylum or institution as the board of trustees thereof shall authorize, in which it shall be mutually agreed that said child shall remain with said applicant until it is eighteen or twenty-one years of age, as may be agreed on by the contracting parties; which shall provide that the applicant shall support said child, shall treat such child as a member of his or her family, that he or she will keep such child in the public schools four months in each year, and that he or she will have such child taught some useful trade or occupation. When-
Contents of contract.
County agent of board of corrections and charities to be notified.
 ever any child shall be placed in any family, the proper officer of such asylum or institution shall notify the county agent of the State Board of Corrections and Charities, in counties where there is such agent, and where there is none the superintendent of the poor, with whom and where such child is placed. Such agent or superintendent of the poor shall at least once in each year, visit such child and carefully investigate its condition and surrounding, and report the same to the officer of the asylum or institution from which such child was received, and also send a duplicate copy of such report to the secretary of the Board of Corrections and Charities. And should the said county agent or superintendent of the poor, in counties where there is no such agent, at any time deem that the interests of the child require it, he may, with the approval of the judge of probate of the county where the child resides, after due notice of the hearing before said judge given to the superintendent or other officer of said asylum, cancel the contract of indenture, take possession of the child and return to said institution or proceed according to law for its admission to the State Public School at Coldwater, as may be ordered by said judge.
Duty of such agent.
When contract may be canceled.

SEC. 9. It shall be unlawful for any person, or any private or incorporated asylum or institution for minor children, to indenture, apprentice, place by adoption or otherwise dispose of any minor child to any person, except by one of the following methods:
Methods of apprenticing.

By officers of
State institu-
tions.

First, By officers of State institutions acting under the provisions of law authorizing them to place children in families by indenture, adoption or otherwise;

By making
them heirs.

Second, In accordance with the laws of this State relative to the adoption and change of names of minors, and making them heirs at law of the person or persons adopting them;

By laws relating
to masters
and servants.

Third, In accordance with the laws of this State, relative to masters, apprentices and servants, so far as such law does not conflict with the provisions of this act;

By officers of
asylums.

Fourth, By the officers of incorporated asylums or institutions authorized by the laws of this State to receive, care for and dispose of minor children in such manner as may be provided;

By parents
of children.

Fifth, By the father and mother residing in this State, and if either be dead or of legal incapacity, or has abandoned the child, then by the other, and in case the child be illegitimate, then by its mother, and in case there be no father or mother of legal capacity, then by the guardian of the child, resident of this State, and duly appointed under the laws thereof.

Apprenticing
to be in writing.

In no case shall any minor child be indentured, apprenticed, adopted or otherwise disposed of by any person, by either of the methods herein named, or under any law of the State, except on the written approval of the person or persons taking such child by the county agent of the State Board of Corrections and Charities of the county in which the person applying for the child resides, or by a superintendent of the poor of the county where there is no such agent, in form and manner required by this act, except where such indenture is under the fifth subdivision of this section: *Provided*, That the provisions of this act shall not apply to any State institution authorized by the laws of this State to indenture, or otherwise place in homes minor children.

To be approved
by county agent
of board of
corrections and
charities.

Proviso as to
State institu-
tions.

Apprenticing
child from
another state.

SEC. 10. Any person, society or asylum engaged in indenturing or placing in homes any child or children brought from any other State for the purpose of placing in homes by indenture or otherwise, shall, before placing such child or children in any home, file with the judge of probate of the county in which such child, or children, is to be placed, a bond with two or more sureties, one of which sureties shall reside in the county where such indenture is made, and both of whom shall be residents of this State, in the sum of one thousand dollars for each child so placed, to be approved by the probate judge of said county, which bond shall be conditioned that the child for which it is given shall not become a town, county or State charge, before it shall have reached the age of twenty-one years. When it shall come to the knowledge of the judge of probate of any county that a child from another State indentured, or placed in a home under the

Bond required.

Duty of probate
judge when such
child becomes a
public charge.

provisions of this act, has been neglected and become a public charge, he shall at once investigate such matter, and if satisfied that such child is a public charge, he shall declare the bond forfeited and proceed to collect the same as provided by law for the collection of forfeited bonds. The judge of probate shall order the money so collected to be paid to the township or county having to support said child; or if it has become a State charge, he shall order it paid to the State Treasurer, and when so paid it shall be placed in the general fund. Any person or officer of any asylum or institution herein described, having the care, custody or control of any minor child, who shall indenture, apprentice, have adopted or otherwise dispose of such child, and any person who shall take such child indentured, apprenticed, adopted or otherwise disposed of, to him or her, except in the manner herein provided, shall be deemed guilty of a misdemeanor. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Violations of
this act a misde-
meanor.

Acts repealed.

This act is ordered to take immediate effect.

Approved March 26, 1895.

[No. 34.]

AN ACT to make an appropriation for furnishing and equipping the Home for the Feeble Minded at Lapeer.

SECTION 1. *The People of the State of Michigan enact,* That the sum [of ten thousand dollars be and is hereby appropriated for the purpose of purchasing furniture, bedding, cooking utensils and other necessary furniture and equipments and fittings for Home for the Feeble Minded, to be [expended] expending by and under the direction of the board of building commissioners for the Michigan Home for the Feeble Minded and Epileptic or the superintendent of such home under the direction of such board.

Appropriation.

SEC. 2. The money hereby appropriated may be taken from the balance of the appropriation already and heretofore made in section ten of act number two hundred and nine of the public acts of eighteen hundred and ninety-three to defray the current expenses of said institution for the year eighteen hundred and ninety-four remaining unexpended, and any balance necessary to make up the said sum of ten thousand dollars may be drawn from the general fund upon the warrant of the Auditor General, as provided by law.

Money appropri-
ated to be
deducted from
previous
appropriation.

This act is ordered to take immediate effect.

Approved March 26, 1895.

[No. 35.]

AN ACT to incorporate the Grand Council of Royal and Select Masters of Michigan.

Incorporation of
Grand Council
of Royal and
Select Masters
of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the Grand Council of Royal and Select Masters of Michigan, by that name and style, is hereby incorporated and declared a body politic and corporate in deed and law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of action, suits, complaints, matters and causes whatsoever, and shall have a common seal which it may change at pleasure.

Officers of cor-
poration.

SEC. 2. The officers of said corporation shall be the grand master, deputy grand master and grand recorder for the time being, and they shall constitute the board of directors of said corporation for the transaction of all business authorized by this act.

Corporation to
be under direc-
tion of grand
council.

SEC. 3. Said corporation, under the direction of the grand council when assembled, may make and establish all necessary by-laws and rules for its governance and the governance of subordinate councils under the jurisdiction of the grand council, relating to the business and property authorized to be done, held and conveyed by this act; and said corporation may take, hold and convey, as may be required from time to time, any real and personal estate for the purpose of its or their organizations, not exceeding in value in the aggregate the sum of fifty thousand dollars; and all real and personal estate so held may be conveyed by deed or bill of sale in the name of said corporation, executed by the grand master for the time being, or by such other person as the board of directors may appoint for that purpose, under the seal of the grand council, and such conveyance so executed shall be valid and binding for all intents and purposes whatsoever: *Provided,* That the property of said association shall be subjected to taxation for all purposes.

Proviso.

This act is ordered to take immediate effect.

Approved March 26, 1895.

[No. 36.]

AN ACT to enable the Regents of the University to take and hold in perpetual trust land or other property.

Regents to hold
land in trust.

SECTION 1. *The People of the State of Michigan enact,* That it shall be competent for the Regents of the University to take, by gift, devise or bequest, and hold in perpe-

tuity any land or other property in trust for any purpose not inconsistent with the objects and purposes of the University.

Approved March 26, 1895.

[No. 37.]

AN ACT to amend sections one, four, five and eight of act number two hundred and seventy-five of the public acts of eighteen hundred eighty-nine, relating to the incorporation of mutual provident associations.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one, four, five and eight of act number two hundred seventy-five of the public acts of eighteen hundred eighty-nine, relating to the incorporation of mutual provident associations, be and the same are hereby amended so as to read as follows:

SECTION 1. That any number of persons not less than ten, being desirous of becoming incorporated for the purpose of mutual aid, and of raising a fund or fund for their mutual benefit, to be applied in the following manner:

Persons may incorporate for mutual aid in certain cases.

First, To provide a weekly allowance for members out of employment;

Second, To provide a weekly allowance for members totally incapacitated from following their employment, by accident, or by physical or mental disease, except where such accident or disease shall have been caused by the misconduct or willful act of the member;

Third, To provide medical attendance, medicines, and care of members, or any of their family during their illness, and the burial of such member or any of his or her family in case of death;

Fourth, To afford assistance to members or of any of their family, in special cases of distress;

Fifth, To provide annuities to members or those of their immediate family;

May execute under their hands and acknowledge before some person authorized to take acknowledgment of deeds, one or more duplicate articles of agreement as hereinafter specified, one copy of which shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office in the county of this State in which the office of such association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof and those who may thereafter become associated with them shall become a body corporate for the purpose set forth in said articles. Said

May execute articles of agreement.

How articles
may be amend-
ed.

articles may be amended or altered in the same manner as is provided for corporations generally under the laws of this State.

How funds to be
invested or used.

SEC. 4. The funds of such association shall be used in the first instance or shall be invested and the income thereof used, for the purposes set forth in the articles of association, and no portion of its funds shall in any case be otherwise applied, except only for the payment of necessary expenses incident to the management of the affairs of said association. Such corporation may accumulate, or take by gift, purchase or devise, property to any amount not exceeding five hundred thousand dollars, and it shall be lawful to invest the same upon mortgage or by loans, or in bonds of any incorporated village, city, organized county, state, or of the United States, but no loan shall be made to any trustee or officers of such association, and said property shall not be exempt from taxation as the property of benevolent or charitable institutions.

Amount of prop-
erty may accu-
mulate.

How loans shall
be made.

Members have
power to adopt
by-laws.

SEC. 5. The members of such association shall have the power to adopt by-laws governing said association, and to prescribe the terms, rules and regulations upon which members shall be admitted and continue entitled to the benefits provided for in the articles of incorporation thereof; and every member shall be deemed to have assented to such terms and conditions by the act of accepting membership.

Members may
admit honorary
members.

SEC. 8. The members by a four-fifths vote, at any regular meeting, may admit any person to be an honorary member of the association, but no honorary member shall be entitled to receive any benefit from the association.

This act is ordered to take immediate effect.

Approved March 26, 1895.

[No. 38.]

AN ACT to prevent the killing, hunting or molesting in any way of Mongolian pheasants or English pheasants for a period of five years, and to regulate the time for hunting, and for selling or offering for sale the same after that period.

To prevent the
hunting or kill-
ing of Mongolian
and English
pheasants until
1900.

SECTION 1. *The People of the State of Michigan enact,* That no person or persons shall pursue, hunt or kill, or attempt to pursue, hunt or kill or molest, in any manner whatever, any Mongolian pheasants or English pheasants until the first day of November, nineteen hundred, and then only from the first day of November to the fifteenth day of December, inclusive, in each year.

SEC. 2. No person, firm or corporation, shall for a period of ten years from and after the passage of this act, sell or attempt to sell, or expose for sale, or ship or transport out of this State, or attempt to ship or transport out of this State, or have in possession for the purpose of shipping or transporting outside of this State, any Mongolian pheasants or English pheasants.

The sale and transportation prohibited.

SEC. 3. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with the costs of prosecution, and in default of the payment of the same shall be imprisoned in the county jail for a period not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

Violation a misdemeanor.

Penalty.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved March 26, 1895.

[No. 39.]

AN ACT to amend sections one to eight inclusive and to repeal sections nine to twenty-eight inclusive of an act entitled "An act for the winding up of mining and manufacturing corporations whose charters have expired," being act number two hundred sixty-two of the laws of eighteen hundred eighty-nine, approved July fifth, eighteen hundred eighty-nine, as amended by act number one hundred thirty-seven of the laws of eighteen hundred ninety-one, approved June sixteenth, eighteen hundred ninety-one, and to substitute in the place of said repealed sections other sections to be numbered nine to twenty-two.

SECTION 1. *The People of the State of Michigan enact,* That sections one to eight inclusive of an act entitled "An act for the winding up of mining and manufacturing corporations whose charters have expired," being act number two hundred sixty-two of the laws of eighteen hundred eighty-nine, approved July fifth, eighteen hundred eighty-nine, as amended by act number one hundred thirty-seven of the laws of eighteen hundred ninety-one, approved June sixteenth, eighteen hundred ninety-one, be amended so as to read as follows; and that sections nine to twenty-eight inclusive of said act be and the same are hereby repealed; and that sections nine to twenty-two inclusive of this act be substituted for said sections nine to twenty-eight inclusive repealed.

Sections amended.

Sections repealed

How mining
and manufactur-
ing companies
may wind up
their affairs.

Proviso as to
reorganization.

Who may file bill
in chancery.

What bill
may state.

Claims.

Statement of
assets.

Statement of
capital stock.

Proviso.

Statement of
incumbrances.

SECTION 1. Any corporation heretofore, or hereafter to be organized under the laws of this State for the purpose of carrying on the business of mining, smelting or manufacturing under general acts of the legislature authorizing such organization, whose term of existence as fixed by its articles of association or organization and whose further term for winding up its business allowed by the laws of this State has expired or shall expire (no other valid proceedings having been completed to wind up its corporate affairs) may be wound up and its assets disposed of and distributed pursuant to the provisions of this act: *Provided*, That nothing in this act contained shall be construed to prevent the reorganization, or the extension or the renewal of the corporate term, on the part of corporations authorized by law so to act, nor to affect, or impair the organization, rights or property of any *de facto* corporation actively carrying on its proper business.

SEC. 2. Any stockholder (whether his title to the stock be legal, equitable, absolute or in trust) in such corporation, or any creditor of such corporation whose demand is in full force and is not barred by any statute of limitations, may file a bill in the circuit court in chancery of any county of this State in which any of the real or personal property of such corporation may be situated, for the purpose of winding up the affairs of such corporation, and disposing of and distributing its property among the persons entitled thereto, which bill shall set forth in substance:

First, The nature of complainant's interest in the property, the date of organization of the corporation, its term of corporate existence, and a copy of its articles of association if the same be on file or of record in the office of the Secretary of State or county clerk;

Second, A statement of the assets, real and personal, belonging either in law or equity to such corporation so far as is known to complainant;

Third, A statement of the amount of capital stock, and of the amount thereof paid in if known, together with the names of stockholders, their residence and the number of shares owned by them as shown in the last report of the officers of the corporation on file in the office of the Secretary of State or county clerk, if any such report has been filed and can be found therein, and if there be no such report on file, then the foregoing facts shall be set forth as, and in so far as they may appear by the articles of association or organization on file in the office of the Secretary of State, or county clerk if any such there be: *Provided*, That if the stock books of the corporation are accessible to complainant, he shall also state the names of the stockholders, their place of residence and the number of shares held by each in so far as in such books they appear;

Fourth, A statement of all incumbrances upon any of the property of the corporation, together with all adverse claims

upon the same, with the names and residences of the persons holding or asserting the same, so far as known to complainant;

Fifth, A statement of the debts of the corporation, if any, the names and residence of all its creditors, the nature of their demands and the consideration of any such indebtedness so far as known to complainant;

Sixth, If the creditors or owners of the stock of such corporation are, or any of them are unknown to complainant, the bill shall set forth that fact; and the bill shall aver that it is filed, not only on behalf of complainant but also of all other persons interested in the property of the corporation whether as stockholders, creditors or otherwise, who may choose to come in as parties complainant and share the expense of the proceeding;

Seventh, Such bill shall pray that the affairs of the corporation be wound up and its assets disposed of and distributed, and may pray for the appointment of a receiver of its property, and may contain any other appropriate averments of fact, and pray for any other appropriate relief.

SEC. 3. Such bill shall be verified by the complainant, or by some one in his behalf substantially in the manner required by rule number eight of the chancery rules.

SEC. 4. Such corporation shall be made a party defendant by its corporate name; all persons claiming any encumbrances upon the property thereof, may be parties defendant. It shall not be necessary to make any stockholder or owner of the stock or any part thereof, or creditor of such corporation, a party defendant.

SEC. 5. The possession of a certificate of stock purporting to represent a part of the stock of such corporation, running to the holder or assigned to him, or assigned in blank, shall, *prima facie*, be proof of ownership thereof, and entitle such holders to prosecute such proceedings, or to defend (as hereinafter provided) the same or to receive dividends.

SEC. 6. Upon the filing of such bill a subpoena shall issue to all persons who are made defendants by name in said bill in the same manner as in ordinary chancery cases, and the court, or judge thereof, may make an order for the appearance and answer of such corporation, its stockholders and creditors, at a future day therein to be specified, not less than three months from the date of the order. Such order shall, among other things, set forth the general nature and object of the proceeding, describe the property to be affected by it, with a particular description of all the real estate, and shall give notice that the bill of complaint will be taken as confessed against said corporation and against all its creditors and stockholders who shall not within the time therein limited, appear and contest the same.

SEC. 7. Such order shall be published within twenty days after it shall have been made, once in each week for

Statement of debts.

If creditors are unknown bill to so state.

Prayer of bill.

Bill to be verified by complainant.

Corporation made defendant by corporate name.

Certificate of stock to be prima facie proof of ownership.

To whom subpoenas shall issue.

Order to describe property.

Order to be published.

When order may be entered, taking the bill as confessed against corporation.

Who may appear and defend suit.

Publication of order to be complete notice of service on corporation.

When receiver may be appointed.

six weeks in succession in some newspaper printed and published in every county wherein the bill of complaint avers the corporation owns land, which newspapers shall be specified in the order. If no newspaper be printed in a county where any land described in the bill is situated, then publication shall be made in some newspaper to be specified in the order, printed in a county adjoining thereto. Thereupon, on filing the proof of such publication, and after the expiration of the time designated in such order for the appearance of the corporation defendant, if there shall have been no appearance of such corporation, nor of any person or persons, hereinafter mentioned, entitled to appear and contest the proceeding in its behalf and actually contesting the same, an order may be entered taking the bill as confessed against such corporation defendant, its stockholders and creditors, either as to said corporation and as to all of such persons, or as to all of such persons who have not appeared and made contest therein, as the case may be. Within the time fixed by such order for appearance, any person or persons who were stockholders of such corporation while it subsisted, and who still retain their rights in its property by virtue of having owned stock therein, and any assignee, purchaser, heir, devisee, administrator or executor of such former owner and any creditor or creditors of such corporation whose claim is subsisting and is not barred by limitation of time, may appear and defend such suit as fully as such corporation might do. All persons so appearing and defending shall plead in the name of the corporation. If there be any other party defendant made by the bill besides such corporation defendant, such other party defendant shall be summoned to answer in the usual manner if process can be served, and if not, brought in by publication in the usual manner.

SEC. 8. The publication of such order for the appearance of such corporation defendant shall be full and complete notice to, and service upon such corporation, and all persons, natural and artificial, interested in its property because of having been stockholders in such corporation while subsisting, or of having in any manner acquired the rights of such stockholders, or because of being creditors thereof, for all the purposes of this proceeding, and to enable the court to order and complete the sale of all its property, and to distribute according to law the avails thereof.

SEC. 9. The court, or the judge thereof, may at any time, on proper application of complainant, and notice to the proper parties, to be given personally or by publication in such manner as the court or judge thereof may order, appoint a receiver of any or all of the property in question, and then, or thereafter on like application, direct such receiver to give notice of his appointment, and to therein require that

First, All persons indebted to such corporation shall render on a certain day and place therein fixed, an account to such receiver of all debts and sums of money owing by them to said corporation and pay the same to him;

Persons indebted to corporation to render account to receiver.

Second, All persons having in their possession any property or effects of such corporation shall deliver the same to the receiver at the same time and place;

Property to be delivered to receiver.

Third, All creditors of such corporation shall deliver a statement of their claims and demands, and of the nature thereof, to the receiver at the same time and place, which statement shall be verified by the oath of the creditor, or his agent or attorney.

Creditors to make statement to receiver.

The day fixed in such notice shall not be less than sixty days from the date thereof, and the place a convenient one in the county where the proceeding is pending. Such notice shall be published, within one week after it is made, once in each week for six weeks in succession in some newspaper printed and published in the county where the proceeding is pending, if one be printed and published therein, and if not, in some newspaper printed in a county adjoining thereto. All personal claims, demands and causes of action against said corporation shall, unless presented to the receiver within the time in said notice limited, or to the court, before a division of the assets among the creditors is ordered, be forever barred. Such receiver shall be required to give security for the faithful performance of his duties hereunder, by bond running to the register of the court, with such sufficient surety or sureties and in such amount as shall be required and approved by the circuit judge, and any moneys recovered by suit thereon for breach of condition shall be treated as part of the assets of such corporation and be distributed accordingly.

Time fixed for notice.

Notice to be published.

When personal claims may be barred.

Receiver to give security.

SEC. 10. Such receiver shall be vested with all the estate, real and personal, and all the things in action which were vested in such corporation at the time of the expiration of its term of existence as fixed by its articles of association and the laws of this State in that behalf, and which have not since been in any wise divested; may bring suits and actions for the same, and shall hold and dispose of the same for the benefit of those interested therein as creditors and stockholders, under the orders of the court. He may sell the real and personal property at such time and in such manner as the court may direct, provided that the real estate shall be sold only at public auction, on such notice as is prescribed at the time of such sale by law for the sale of real estate on foreclosing a mortgage in chancery. He shall report to the court any sale of real or personal property made by him, and if the court shall be satisfied that such sale is for the best interests of those concerned therein, an order shall be entered confirming such sale and directing a conveyance thereof, by the receiver as such, to the purchaser or purchasers,

Receiver to be vested with all the estate of corporation.

May bring suits.

May sell property.

To report to court sales made.

May transfer
right and title
of property.

and such conveyance, when made and confirmed, shall transfer all the right, title, claim and interest therein whether legal or equitable, which such corporation had, immediately before the expiration of its corporate term or thereafter, and shall vest in such purchaser, his heirs and assigns, the same right and title as could have been conveyed by such corporation while its corporate term was current and such purchaser shall hold the same free and clear of all claims thereon by such corporation, its creditors and stockholders, except as herein otherwise provided.

Receiver to
report to court
condition of
estate.

SEC. 11. Such receiver shall report to the court, from time to time, as directed, upon the condition of the estate, the amount of money in his hands, and the claims or debts against the corporation proved or filed; and the money in his hands shall be paid into court by him and distributed (after payment of the proper expenses in the proceeding) first among the creditors (if any) and then, as to the residue, among the stockholders, as the court shall direct.

Compensation
of receiver.

SEC. 12. Such receiver shall receive such reasonable compensation for the discharge of his duties as the court may deem proper, and such charges, and all proper disbursements by him made in the discharge of his duties and allowed by the court shall be first paid out of such moneys, and the court may allow a reasonable sum to the complainant as a solicitor's fee in the proceedings, together with all proper disbursements made by him therein, which sum, when allowed by the court, shall be paid by such receiver out of any moneys in his hands before any distribution is made to creditors or stockholders.

When receiver
to make final
report.

SEC. 13. After such receiver shall have disposed of all the estate of such corporation, he shall make his final report, which shall state what disposition has been made of such estate, and the moneys received therefor, and the disbursements made by him, and on the filing of such report the court may make an order for the distribution of any surplus remaining in his hands, and such receiver may, on compliance with such order, be discharged of his trust.

Sale of property
by receiver not
to be questioned
when confirmed
by court.

SEC. 14. No sale or disposition of any of such real or personal property, conveyed by such receiver and confirmed by the court pursuant to the provisions of this act, shall be questioned by any one, in any suit or proceeding in law or equity, in any court of this State, after the expiration of one year from the date of such confirmation, and nothing herein contained shall be construed or held to revive any debt or claim against such corporation which is or shall be barred by any statute of limitations.

Stockholders
may become
purchasers of
corporation
property.

SEC. 15. Any stockholder of such corporation may become the purchaser of the property thereof, and may be credited upon the purchase price with such proportion thereof as his stock bears to the entire capital stock of such corporation: *Provided*, That in such case, such purchaser shall not be exonerated from contribution for the

Proviso.

payment of debts and expenses, but shall thereafter pay into the court such proportional amount for that purpose as the court may order, and for such amount the property purchased shall also be holden.

SEC. 16. In case the claim of the complainant to be a stockholder or creditor of such corporation shall fail or be disproved, the proceeding may go on at the desire and for the benefit of any other stockholder or stockholders, creditor or creditors, who may have appeared in such proceeding, and whose right to continue the same shall be made to appear; and duly certified copies of the final decree to be made in the proceeding may be recorded in the office of the register of deeds of the counties wherein the lands are situate, and such record or certified copies thereof shall be *prima facie* proof of such decree and sale, and of the regularity and validity of all steps taken to obtain the same.

In case claim of creditor or stockholder fail or be disproved, proceedings in.

Copies of final decree to be recorded in office of register of deeds.

SEC. 17. All taxes levied upon the corporation or its property shall be paid out of its assets by the receiver, and the creditors of the corporation whose claims have been presented and allowed under the provisions of this act shall be paid in the following order:

Taxes levied to be paid out of assets.

First, All persons who shall have furnished or performed any labor for the corporation, and all *bona fide* holders of any draft or order for the payment of money due for any such labor, issued or drawn by an officer, clerk or agent of such corporation, shall be paid in full if there be funds sufficient, after the payment of taxes and the expenses of the proceeding, and if not, then *pro rata*;

Who entitled to payment from corporation.

Second, All other creditors holding personal claims or demands against the corporation shall be paid in full, if there be a sufficient surplus after the payments mentioned in the preceding subdivision, and if not, then *pro rata*.

Creditors holding personal claims to be paid.

SEC. 18. After the property of the corporation shall have been sold, and the report of the receiver showing the claims filed with him under section nine of this act, made, and after such claims shall have been passed upon by the court, the court, or the judge thereof, may make an order in the cause, which order shall recite, among other things, the amount of the claims reported and allowed against the corporation and shall summon all personal creditors of the corporation, if any, whose claims have not been presented, to present and file their claims with the register of the court on or before a day certain therein to be stated not less than eight weeks from the date thereof, or the same will be forever barred. Such order shall be published within one week from its date, once in each week for four successive weeks, in some newspaper specified in the order printed and published in every county wherein the order for appearance of the corporation mentioned in section seven of this act was published, or in an adjoining county in the case in said section seven provided; and on filing in the cause due proof of such publication, and after the expiration of the time limited therein for

After property of corporation is sold, corporation to summon personal creditors whose claims have not been presented to file claims.

When claims may be barred.

Publication of order.

presenting and filing claims with the register, all such claims not presented and filed shall be forever barred as against such corporation and its assets.

Manner of hearing, proving and contesting claims against corporation.

Court may make order for the custody of funds.

When appeal may be made to supreme court.

Appellant to file with register a bond with sureties to be approved by circuit judge.

When appeal deemed perfected.

Proviso as to stay of proceedings.

SEC. 19. The court in which such proceedings are brought, or in proper cases the judge thereof, may make such orders for the manner of hearing, proving and contesting claims against such corporation, and of hearing, proving and contesting the rights of persons claiming to be stockholders thereof, not inconsistent with the provisions of this act as shall be just and proper, and may make all such orders and decrees touching any proceedings hereunder proper to secure the rights of persons interested, not inconsistent herewith. The court may also make such orders and regulations as may be convenient and necessary, touching the custody of the funds remaining, after payment of expenses and of claims against the corporation and touching the division of the same among stockholders of the corporation who may thereafter and from time to time appear claiming to share therein.

SEC. 20. Any corporation, person or persons, claiming to be aggrieved by any decree or final order of any circuit court in chancery in any proceeding mentioned in this act, may appeal therefrom to the supreme court. Such appeal shall be claimed by a written claim delivered or transmitted within twenty days from the entry of such decree or final order to the register in chancery of the court where such decree or final order was entered, which said register shall make entry of, and the appellant shall, within the same twenty days, file with said register a bond naming as obligee the said register, and with sufficient sureties approved by the circuit judge, or said court, or a circuit court commissioner of the county wherein said decree was entered, and with such penalty as such judge or commissioner shall approve, conditioned for the diligent prosecution of such appeal, and for the performance or satisfaction of any decree or final order of the supreme court against the appellant in the cause, and for payment of all costs that may be awarded against the appellant in said supreme court in the matter of said appeal; that upon the filing of said bond with approval as aforesaid, the appeal shall be deemed perfected, and the register in chancery shall, on payment of five dollars to him on behalf of the appellant, make return to the supreme court, and the supreme court shall have power to hear and determine such appeal and all matters concerning the same, and shall have power to reverse, affirm or alter the order or decree appealed from and to make such other order or decree therein as shall be just, in like manner and with like effect as on appeals in suits in chancery according to the existing statutes of the State of Michigan and the rules of the supreme court in such case made and provided. The supreme court, while any appeal shall be pending therein, may, on special motion, give such directions as to

said court shall seem proper concerning any stay of proceedings; the supreme court, or the circuit judge of the court where such decree or final order was made, shall, on special motion and proper showing, have power after such appeal is perfected to order an additional bond and fix the penalty thereof, and approve the sureties thereto, or to refer such approval to a circuit court commissioner of said county in which the cause shall have been pending; the supreme court aforesaid, or the circuit court, may, concerning any bond aforesaid, order a suit to be brought and prosecuted for the benefit of any person, persons or corporation as such court may direct, and thereupon such suit may be brought and prosecuted to effect, and all moneys collected in such suit shall be disposed of as such court shall direct.

When additional bond may be required.

SEC. 21. In making return to any appeal, it shall be necessary to transmit to the supreme court only such part of the files, records and proceedings as may be necessary to enable the supreme court to pass upon the order or decree appealed from, but the supreme court shall have power to order such further return to be made to the appeal as it may deem necessary.

In making return to appeal, files and records to be transmitted to supreme court.

SEC. 22. All proceedings begun under said acts numbered two hundred sixty-two and one hundred thirty-seven, up to the time this act takes effect, may continue and be prosecuted to a conclusion thereunder, and in such case shall be and remain as valid and effectual as if this act had not been passed, or, at the pleasure of the complainant or complainants therein, may be continued and prosecuted under this act: *Provided*, That any party to proceedings begun under said acts two hundred sixty-two and one hundred thirty-seven shall have the right of appeal secured by this act.

Previous proceedings to continue.

Proviso as to previous acts.

This act is ordered to take immediate effect.
Approved March 26, 1895.

[No. 40.]

AN ACT to provide for the division and distribution of property held in trust under certain circumstances.

SECTION 1. *The People of the State of Michigan enact*, In any estate vested in a trustee or trustees for the benefit of any person or corporation, whether by will or other grant or conveyance, where provision is made for the sale of the trust property and distribution of the proceeds, and where no limitation is placed upon the power of alienation, nor restriction made as to the time of the division and distribution of the proceeds of the trust property, and it shall appear to be more advantageous to the persons for

Trust property may be divided among cestuis que trust instead of being sold.

Authority of
court necessary.

whose benefit the trust was created to divide and distribute the trust property among them instead of affecting a sale thereof by the trustee, and the distribution of the proceeds, the trustee, upon authority being granted so to do by the circuit court in chancery of the county where the property, or a portion thereof, is located, may make a division and distribution of the trust estate among the persons entitled to the proceeds of the sale thereof in the same proportion in which the proceeds of the sale is provided by the terms of the instrument or grant creating the trust to be distributed.

How such au-
thority secured
when all persons
benefitted do not
give consent.

SEC. 2. In all cases except where all the parties to be benefited by the distribution of the proceeds of the sale of the trust estate shall give their consent in writing to the division and distribution of the trust estate as above provided, the proceedings to obtain the authority of the court as aforesaid to divide and distribute said estate, may be instituted by the trustee or any person interested in such division and distribution, and shall conform to the provisions of chapter two hundred seventy of Howell's statutes of Michigan, and the division and distribution, if authorized by the court, shall be effected in the manner provided by said chapter for partitioning the undivided interests of persons in real estate generally.

Consent of court
not necessary
when all parties
agree to
division.

SEC. 3. Such division or distribution of a trust estate may be made by a trustee without obtaining the authority of the court as aforesaid, when all the persons who would be entitled to share in the proceeds of the sale of such estate shall consent thereto in writing, and such trustee shall make such division and distribution when all of the parties interested as aforesaid shall so request in writing.

Consent of
minor, insane
or incompetent
person.

When guardian
to be appointed
for such person.

SEC. 4. When any of the persons entitled to share in the distribution of the proceeds of the sale of such trust estate shall be a minor, or insane, or incompetent to give their consent, or make such request, such division and distribution shall not be made without the authority of the court as aforesaid, unless such minor, insane or incompetent person shall have a general guardian, in which event such general guardian, upon obtaining the authority of the court appointing such guardian to consent to such division and distribution, or request that the same shall be made by the trustee, shall have the same power and authority to consent to such division and distribution or make request therefor, and agree upon a method of effecting such division and distribution as a person of full age and otherwise competent to act in the premises could do. The authority of the court appointing such guardian to give such consent, or make such request, may be obtained by such guardian filing with such court a petition showing the circumstances which it is deemed renders it to the advantage of such minor, insane or incompetent person to have such distribution or division made.

Such guardian
to file petition
with court con-
cerning division.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[No. 41.]

AN ACT to authorize the cities and villages of this State which own and operate electric light works for the purpose of lighting their streets and other public places, to furnish and supply electric lights to the inhabitants of such cities and villages.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any city or incorporated village in this State not having more than ten thousand inhabitants, which now own and operate works for the purpose of supplying such city or village with electric light and lighting their streets and other public places with electric light, to furnish and supply electric light to the inhabitants of such cities or villages upon such terms and under such conditions as the common council may deem expedient.

Cities and villages may furnish light to inhabitants.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[No. 42.]

AN ACT to amend section one of act number forty-nine of the public acts of eighteen hundred and eighty-five, being "An act for the relief of purchasers and settlers on swamp land, and to repeal act number one hundred and sixty-six, session laws of eighteen hundred and fifty-five, and act number one hundred and seventy-three, session laws of eighteen hundred and sixty-seven, the same being section fifty-three hundred and eighty-six and fifty-three hundred and eighty-seven, Howell's annotated statutes," approved April sixteenth, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number forty-nine of the public acts of eighteen hundred and eighty-five, being an act for the relief of purchasers and settlers on swamp land, be and the same is hereby amended so as to read as follows:

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands have been in good faith entered under the preemption or homestead laws of the United States, at any of the United States land offices in the State of Michigan, and such entry has been afterwards set aside or canceled in consequence of the lands so entered having been found to be State swamp lands, the person so entering such land, or his heirs or assigns may at any time before such lands are sold to any other person,

Certain lands entered and preempted may be purchased from the State for \$1.25 per acre.

Person purchasing must make certain proofs.

on presentation of a certificate of such entry and cancellation, from the register of the United States land office, where such entry was originally made to the Commissioner of the State Land Office, be entitled to purchase such lands of the State at the price of one dollar and twenty-five cents per acre, subject to the condition that such pre-emptioner or homesteader shall not have any claim against the State for draining such lands, and provided that such lands shall not be offered for sale by the State until the expiration of the two years after the same shall be patented to the State: *And provided further*, That any person making application under this act shall make proof satisfactory to the Commissioner of the State Land Office, by affidavit or otherwise, that he has fully complied with the preemption or homestead laws of the United States up to the time he received notice of such cancellation.

Approved March 29, 1895.

[No. 43.]

AN ACT to provide for the prevention of blindness in the newly born by compelling midwives, nurses and others to report in writing to the local health officer any redness or inflammation occurring in the eyes of infants under two weeks of age, and to provide a penalty for the neglect of the same.

Midwives and nurses to notify health officer of inflammation in eyes of infants.

SECTION 1. *The People of the State of Michigan enact*, That should one or both eyes of an infant become inflamed or swollen, or reddened, or should any pus or secretion form in the eyes or upon the edge of the lids, at any time within two weeks after birth, it shall be the duty of any midwife, nurse or other person having charge of such infant, to report in writing within six hours after discovery of such inflammation, redness or formation of pus, or secretion, to the local health officer or some legally qualified practitioner of medicine in the city, town or district in which such case shall occur, the fact that such inflammation, swelling or redness or accumulation in the eyes exists.

Penalty for failure.

SEC. 2. Any failure to comply with the provisions of this act shall be punished by a fine not to exceed one hundred dollars or imprisonment not to exceed six months, or both such fine and imprisonment in the discretion of the court.

Approved March 29, 1895.

[No. 44.]

AN ACT to amend section thirty-eight of act number one hundred and ninety of the public acts of one thousand eight hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State."

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section thirty-eight of act number one hundred and ninety of the public acts of one thousand eight hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State," be and the same is hereby amended so as to read as follows:

SEC. 38. After the count of the tickets or ballots has been completed the result shall be immediately declared, Result of count to be declared. and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in triplicate, showing the whole number of votes for each office, the names of the persons for which such votes were given, and the number each person received. Such a statement, when certified by the inspectors and duly signed, shall be delivered, one copy to the township or city clerk, to be filed by him in his office, one copy to the inspector appointed by the board to attend the county canvass, and the other, together with one of the original tally sheets, shall by the township or city clerk be, within twenty-four hours after the result is declared, delivered in person or immediately forwarded by registered mail to the said county clerk. Statement of votes to be made.

Approved March 29, 1895.

[No. 45.]

AN ACT to prevent the introduction of a dangerous communicable disease in any township, city or village in Michigan, except under specified regulations.

SECTION 1. *The People of the State of Michigan enact,* Permit of board of health in case of person sick with contagious diseases.
That no person sick with cholera, small-pox, diphtheria, scarlet fever or any other communicable disease dangerous to the public health, no corpse of a person dead from one of the above-named diseases, or from any other communicable disease dangerous to the public health, and no article which has been infected or is liable to propagate or convey any such disease, shall come or be brought into any township, city or village in Michigan, without the special permit of the board of health or of the health

officer of said township, city or village, and then only under the supervision of the health officer of said township, city or village.

Penalty for violation.

SEC. 2. Whoever shall violate the provisions of section one of this act, or the order of the health officer made in pursuance thereof, shall, on conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both said fine and imprisonment.

Approved March 29, 1895.

[No. 46.]

AN ACT to amend sections one, three, nine, ten and fourteen of act number two hundred and thirteen of the session laws of eighteen hundred and ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair and the manner of selecting jurors to serve in the circuit court for said county and to prescribe their duties and fix their compensation, and to punish violations of the act," approved June first, eighteen hundred ninety-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, three, nine, ten and fourteen of act number two hundred thirteen of the public acts of eighteen hundred ninety-three, entitled "An act to provide a board of jury commissioners for the county of St. Clair and the manner of selecting jurors to serve in the circuit court for said county and to prescribe their duties and fix their compensation, and to punish violations of the act," approved June first, eighteen hundred ninety-three, be and the same are hereby amended so as to read as follows:

Governor to appoint jury commissioners.

SECTION 1. The Governor of the State shall appoint a board of jury commissioners for the county of St. Clair, consisting of six persons, each of whom shall be a resident elector and freeholder of the said county. Three of the said persons shall be appointed for two years and three for four years. The said Governor shall from time to time appoint persons of like qualifications as successors to the said commissioners, and shall also fill all vacancies occurring in the said board from any cause. The official term of said commissioners shall begin on the fifteenth day of March, eighteen hundred ninety-three, and all subsequent appointments, except for the filling of vacancies, shall be for the term of four years; the said commissioners shall respectively serve until their successors are appointed and have qualified. Said commissioners shall, before entering upon their duties, take the constitu-

Term of office.

Oath of office.

tional oath of office and file the same with the county clerk. Said commissioners shall receive as compensation Compensation. for their services three dollars for each day actually engaged in the performance of duty, and such actual expense as shall be incurred in traveling to ascertain the qualifications of jurors and in attendance upon the meetings of the board, to be audited by and proved before the circuit court of the county of St. Clair, and paid by the county treasurer on the certificate of the county clerk, under the seal of the court.

SEC. 3. Such list shall consist of four names from each township and ward containing four hundred inhabitants or less, according to the last preceding census, and six names from each township and ward containing more than four hundred inhabitants, according to said census. Said list List of names. when so prepared shall be used in selecting petit jurors of the said circuit court for the succeeding year, ending on the second Monday of April, and until a new list shall be chosen in accordance with this act, in the place of the lists now required by general law to be returned by the supervisors and assessors of the said county. To be used for selecting petit jurors.

SEC. 9. At least fourteen days before the first day of any term of the circuit court for the said county, at which a jury is to be in attendance, the said county clerk shall, in the presence of the circuit judge and the sheriff of the said county, to whom he shall give due notice of the time and place at least two days in advance, proceed to select a jury for the next term of the said court in the manner following: The packages containing the names of the jurors shall be arranged in alphabetical order and shall in such order, beginning at "A," be separately opened and the slips therein placed in a box to be known as the jury box, the box shall then be well shaken and in such manner as to thoroughly commingle the slips, and one of the persons in attendance shall draw therefrom one of the slips of paper, and the name appearing thereon shall be a juror for the said term of court; the remainder of the packages shall then be successively treated in the same manner in alphabetical order until such number of persons have been chosen as the said circuit judge shall have directed to be drawn for the said term, and such persons so chosen shall be jurors for the said term, and each drawing after the first shall begin in at the package next succeeding in alphabetical order the one last used in the preceding drawing. It shall be the duty of the said circuit judge and sheriff to attend at the time and place fixed by the county clerk on receiving the notice herein provided. Selection of jury. Manner of. Circuit judge and sheriff to attend. In case the said judge or sheriff shall not be present at the time and place fixed for the said drawing, the clerk shall make a minute of the fact in the record book and at once secure the attendance of the judge of probate or one of the circuit court commissioners of the county, who, being in attendance, shall have the same powers as the circuit judge

When drawing to be adjourned. or sheriff would have if present, and in case the attendance of neither of said officers can be secured, the clerk shall adjourn the drawing until some other time, and from time to time until two of said officers are present. A record of the said drawing shall be kept by the clerk, and in case of his absence by some member of the board selected therefor, in the same book in which the record of the doings of the jury commissioners is kept; when a name is drawn from the said box and duly recorded, the slip containing it shall be destroyed and the remaining slips containing the names from the said township or ward shall again be returned to a package and sealed and endorsed as before, to await the next drawing. If the name of any person be drawn who, to the knowledge of either of the persons, shall have deceased or become insane, or have removed beyond the jurisdiction, a record of the fact shall be made, the slip containing the name destroyed, and another name be at once drawn from the same town or ward to supply the place.

Proceedings when person drawn is deceased or insane.

Issue of venire facias.

SEC. 10. At the conclusion of such drawing, the officers acting shall respectively sign the record thereof, and the clerk shall thereupon issue a *venire facias* to the sheriff of said county commanding him or any of his deputies to summon the said persons so selected to be and appear in said court at the time and place therein named to serve as petit jurors for the said term of the said court.

Proceedings when not enough jurors present.

SEC. 14. Whenever there shall not be a sufficient number of jurors present to form a panel for any cause to be tried, the court may direct talesmen to be drawn and summoned, from the jury lists provided by the board of jury commissioners, and in the manner above herein provided for regular jurors, or be orally summoned by the sheriff or other officer in attendance upon the court, as the circuit judge shall direct. The slips containing the names of all talesmen who appear and serve as jurors shall be at once destroyed, and the names of those who do not appear and serve shall be returned to their respective packages.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 47.]

AN ACT to amend act number two hundred forty-nine of the public acts of eighteen hundred eighty-nine, being section number nineteen hundred eighty-four *n* of the third volume of Howell's annotated statutes, entitled "An act relative to the admission of insane members of the Michigan Soldiers' Home to the insane asylums of this State, and to their support at such asylums."

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That act number two hundred forty-nine of the public acts of eighteen hundred eighty-nine, being section number nineteen hundred eighty-four *n* of the third volume of Howell's annotated statutes, entitled "An act relating to the admission of insane members of the Michigan Soldiers' Home to the insane asylums of this State, and to their support at such asylums," be and the same is hereby amended by adding thereto another section, to stand as section two thereof and to read as follows:

SEC. 2. Whenever any such inmate of the Michigan Soldiers' Home shall be adjudged insane according to law, the probate judge having jurisdiction thereof may commit such insane person to any insane asylum of this State to be there maintained and supported at the expense of the State. Probate judge may commit insane member of Soldiers' Home to any asylum in State.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 48.]

AN ACT to incorporate the Grand Chapter of Royal Arch Masons of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Grand Chapter Royal Arch Masons incorporated.
That the Grand Chapter of Royal Arch Masons of Michigan, by that name and style, is hereby incorporated and declared a body politic and corporate in deed and law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall have a common seal which it may change at pleasure.

SEC. 2. The officers of said corporation shall be, the Officers of corporation.
grand high priest, deputy grand high priest, grand king, grand scribe, grand treasurer and grand secretary, for the time being, and they shall constitute the board of directors of said corporation for the transaction of all business authorized by this act.

How may make
and establish
by-laws.

May hold and
convey real and
personal
property.

Grand high
priest may exe-
cute deed or
bill of sale.

SEC. 3. Said corporation, under direction of the grand chapter when assembled, may make and establish all necessary by-laws and rules for its governance and the governance of all subordinate chapters under the jurisdiction of the grand chapter, relating to the business and property authorized to be done, held and conveyed by this act; and said corporation may take, hold and convey, as may be required from time to time, any real or personal estate for the purpose of its or their organizations, not at any time exceeding in the aggregate the sum of one hundred thousand dollars, but such property, both real and personal, shall be subject to assessment and taxation for all purposes, and all real and personal estate so held may be conveyed by deed or bill of sale in the name of the said corporation, executed by the grand high priest for the time being, or by such other person as the board of directors shall appoint for that purpose, and in case of real estate acknowledged by him to be the act and deed of said corporation, with the seal of the grand chapter attached, and such conveyance so executed shall be valid and binding for all intents and purposes whatsoever.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 49.]

AN ACT to provide for vacating cemeteries in townships.

Proceedings to
vacate ceme-
teries.

SECTION 1. *The People of the State of Michigan enact,* That whenever complaint is made in writing to the board of health of any organized township in this State, by ten or more residents of such township, setting forth the fact that any private cemetery, within the bounds of said township, should be removed, for the reason that such cemetery has become commons, or has become neglected or abandoned by its owner or owners, or has become a public nuisance, or shall impede the growth of any city or village in said township, or whenever such cemetery shall endanger the health of the people living in the immediate vicinity thereof, it shall become the duty of the said township board of health to forthwith institute proceedings to vacate said cemetery in the manner hereinafter provided. The circuit court in chancery, of the county in which such cemetery is located is hereby authorized to vacate the same, or any part thereof, on petition made to such court as herein provided.

Petition to be
made to board
of health.

SEC. 2. Said petition shall be made by the said board of health by an agent or attorney appointed by them for that purpose, who shall file a petition signed and sworn to by him, in the office of the register of said court for the

proper county, which petition shall set forth his authority as attorney or agent, the particular reasons for making and filing such petition, and a distinct description of the premises on which such cemetery is located, which petition shall be filed, as aforesaid, thirty days previous to the first day of the term for which such petition shall be noticed for hearing. That notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper published in the proper county, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing: *Provided*, That should said board of health neglect or refuse to appoint such attorney or agent within thirty days after the complaint in writing shall have been filed with said board, then any freeholder resident of said township may file said petition and proceed in the same manner as though regularly appointed as such agent or attorney: *Provided further*, Such freeholder may be required upon the order of said court to furnish security for costs should said petition be denied.

What to set forth.

Notice of petition to be published.

Proviso on failure of board to appoint attorney.

Further proviso as to costs.

SEC. 3. That the hearing on such petition may be continued from term to term, in the discretion of the court, without further notice; that all testimony may be taken in open court, or the taking of the same may be referred, in the discretion of the court, to a circuit court commissioner of the proper county; that, under the discretion of the court, proper issues may be made for the determination of all questions of law and fact, and all questions of compensation to any person or persons to be affected by such proceedings, and all questions touching the compensation to be paid by the person or persons to whom said premises or any part thereof shall be sold after the same shall have been vacated as such cemetery, and all issues of fact may be tried by a jury, or three commissioners, if the court shall so order, and any person adversely interested may cause himself to be made defendant to such petition. In all cases where reference shall be made to a jury or commissioners to determine the compensation to be paid to or by any persons as aforesaid, the proceedings upon such reference shall, so far as practicable, be like those had in cases where a jury is impaneled or commissioners are selected, to ascertain and determine the necessity of taking lands, franchises, and other property for the construction of railroads, and to appraise the damages and compensation to be allowed therefor. If upon [the] hearing, such petitioner shall produce satisfactory evidence to the court that the notice required by this act has been given, and that such cemetery should be vacated in whole or in part, as a place of burial, for any of the reasons given in this act for vacating cemeteries, such court shall thereupon order that such cemetery shall be vacated, in whole or in part as a place of burial. That a copy of such order, certified by the register of such

Hearing may be continued without notice.

Testimony may be taken before circuit court commissioner.

In case jury is impaneled.

Court to order cemetery vacated.

Copy of order to be recorded.

- court under his seal, shall be recorded by the petitioners in the office of the register of deeds of the proper county.
- Dead bodies to be reinterred in new cemetery.** SEC. 4. That when any cemetery shall be vacated as provided in this act, the said township board of health shall cause all the dead bodies and remains buried in said cemetery to be reinterred in the cemetery of such township, if they have one, and if not, then in some suitable cemetery in an adjoining township, in a prudent, careful and respectful manner, and shall cause to be removed and again erected over the proper remains, all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: *Provided*, That should the cemetery vacated belong to any religious society or church and there be another suitable cemetery belonging to the same church or denominational society within said township or an adjoining township, then said removal may be made to such cemetery instead of to the township cemetery: *And provided further*, That no removal of said bodies and remains shall be made during the months of June, July, August or September, excepting in the upper peninsula. Such removal and the cost of such proceedings under this act, shall be at the expense of, and paid by the township in which such cemetery is situated, except that in cases where the proceedings are instituted by an individual, without the consent of the township board of health, and the prayer of the petition shall be denied by the court, then and in that case, the person so instituting the proceedings shall be required to pay such costs as may be allowed by order of the said court.
- Owner of land to repay for lots.** SEC. 5. In all cases where the land vacated shall revert to said township or to any person or persons, such township shall on demand, and upon the conveyance of said lot, where conveyance may be necessary, to said township board of health or private person, repay to any owner the price he may have paid for his lot.
- Land to revert to original grantor.** SEC. 6. In all cases where the land embraced in the cemetery so vacated shall not exceed one acre in area it shall revert to the original grantor or his heirs, or be so conveyed to him or them by the said township if necessary: *Provided*, Said grantor or his heirs shall first pay to said township the value of said land based upon the market price of like land in the immediate vicinity.
- Proviso.** Approved March 29, 1895.

proper county, which petition shall set forth his authority as attorney or agent, the particular reasons for making and filing such petition, and a distinct description of the premises on which such cemetery is located, which petition shall be filed, as aforesaid, thirty days previous to the first day of the term for which such petition shall be noticed for hearing. That notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper published in the proper county, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing: *Provided*, That should said board of health neglect or refuse to appoint such attorney or agent within thirty days after the complaint in writing shall have been filed with said board, then any freeholder resident of said township may file said petition and proceed in the same manner as though regularly appointed as such agent or attorney: *Provided further*, Such freeholder may be required upon the order of said court to furnish security for costs should said petition be denied.

What to set forth.

Notice of petition to be published.

Proviso on failure of board to appoint attorney.

Further proviso as to costs.

SEC. 3. That the hearing on such petition may be continued from term to term, in the discretion of the court, without further notice; that all testimony may be taken in open court, or the taking of the same may be referred, in the discretion of the court, to a circuit court commissioner of the proper county; that, under the discretion of the court, proper issues may be made for the determination of all questions of law and fact, and all questions of compensation to any person or persons to be affected by such proceedings, and all questions touching the compensation to be paid by the person or persons to whom said premises or any part thereof shall be sold after the same shall have been vacated as such cemetery, and all issues of fact may be tried by a jury, or three commissioners, if the court shall so order, and any person adversely interested may cause himself to be made defendant to such petition. In all cases where reference shall be made to a jury or commissioners to determine the compensation to be paid to or by any persons as aforesaid, the proceedings upon such reference shall, so far as practicable, be like those had in cases where a jury is impaneled or commissioners are selected, to ascertain and determine the necessity of taking lands, franchises, and other property for the construction of railroads, and to appraise the damages and compensation to be allowed therefor. If upon [the] hearing, such petitioner shall produce satisfactory evidence to the court that the notice required by this act has been given, and that such cemetery should be vacated in whole or in part, as a place of burial, for any of the reasons given in this act for vacating cemeteries, such court shall thereupon order that such cemetery shall be vacated, in whole or in part as a place of burial. That a copy of such order, certified by the register of such

Hearing may be continued without notice.

Testimony may be taken before circuit court commissioner.

In case jury is impaneled.

Court to order cemetery vacated.

Copy of order to be recorded.

[No. 51.]

AN ACT to amend section one of act number two hundred and eight of the session laws of the year eighteen hundred eighty-nine, entitled "An act to define and punish the offense of embezzlement by general or special administrators, executors or guardians," the same being compiler's section nine thousand one hundred ninety-one *a* of the third volume of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number two hundred and eight of the session laws of eighteen hundred eighty-nine, entitled "An act to define and punish the offense of embezzlement by general or special administrators, executors or guardians," be and the same is hereby amended so as to read as follows:

Executors, etc.,
must turn over
property within
60 days after
order from
judge of probate.

SECTION 1. That if any general or special administrator or any executor or guardian, who has been appointed by a judge of probate and who has collected any goods, chattels, money or effects of the deceased or ward, and willfully appropriated the same to his own use and who has been ordered by the judge of probate, forthwith to deliver to his successor in trust, ward or any person lawfully entitled thereto, all the goods, chattels, money or effects of the deceased or ward in his hands, shall willfully omit, neglect or refuse for sixty days to obey said orders, he shall be deemed to have committed the crime of embezzlement and shall upon conviction thereof, be imprisoned in the State Prison for not more than five years, or by fine not exceeding two thousand dollars, or imprisonment in the county jail not more than one year: *Provided,* That in case such order shall be appealed from, said period of sixty days shall be reckoned from the affirmance of the order in the circuit or supreme court.

Approved March 26, 1895.

[No. 52.]

AN ACT to repeal act number thirty-two of the public acts of Michigan of eighteen hundred ninety-one, entitled "An act requiring certain of the regular terms of the circuit court for the county of Iosco to be hereafter held within the city of Au Sable."

Repealing
clause.

SECTION 1. *The People of the State of Michigan enact,* That act number thirty-two of the public acts of Michigan of eighteen hundred ninety-one, entitled "An act requiring certain of the regular terms of the circuit court

for the county of Iosco to be hereafter held within the city of Au Sable," be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 53.]

AN ACT to amend section thirteen of chapter one hundred and eighty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand three hundred and two of Howell's annotated statutes, relative to the commencement of suits; of process, and the service and return of original writs.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section thirteen of chapter one hundred and eighty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand three hundred and two of Howell's annotated statutes, relative to the commencement of suits; of process, and the service and return of original writs, be and the same is hereby amended so as to read as follows:

SEC. 13. Personal actions arising upon contract, express or implied, may be commenced by *capias ad respondendum* only to recover damages for any breach of promise to marry, or for moneys collected by any public officer, or for any misconduct or neglect in office, or in any professional employment, or in case of fraud or breach of trust, when the plaintiff, or some one in his behalf, shall make and attach to such writ an affidavit, stating therein that the plaintiff has a claim for damages against the defendant for the cause of action stated in the writ, and upon which he believes that the plaintiff is entitled to recover a certain sum, being more than one hundred dollars. In what case capias may issue on affidavit.

Approved March 29, 1895.

[No. 54.]

AN ACT fixing the name of the asylum for the insane located at Newberry in the upper peninsula of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Name of upper peninsula asylum for insane.
That the asylum for the insane located at Newberry, in the upper peninsula of Michigan, under the provisions of act number two hundred and ten of the laws of eighteen hundred and ninety-three, shall be known, when organized, as the Upper Peninsula Hospital for the Insane; and as such

shall be subject to act number one hundred and thirty-five of the laws of the year eighteen hundred and eighty-five, and all other acts amendatory thereof or regulating the care and management of asylums for the insane in this State.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 55.]

AN ACT to provide for the incorporation of the grand, district and subordinate lodges of the Loyal Orange Institution of the State of Michigan.

Act incor-
porating Loyal
Orange Institu-
tion of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the grand, district and subordinate lodges of the Loyal Orange Institution of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Number re-
quired to incor-
porate grand
lodge.

SEC. 2. The five principal officers, or in lieu thereof any five or more persons, residents of this State, being members of the grand lodge of the Loyal Orange Institution of the State of Michigan, duly chartered as such by the Supreme Grand Orange Lodge of the United States, desiring to become incorporated, may make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth:

Articles of
association.

Names, resi-
dence.

First, The names of persons associating in the first instance, and their places of residence;

Corporate name
of association.

Second, The corporate name by which such association shall be known in the law, and place of its business office;

Object and
purpose of.

Third, The object and purpose of such association, which shall be to promote the general welfare of the fraternity, known as the Loyal Orange Institution, and the period for which it is incorporated, not exceeding thirty years.

Articles of asso-
ciation to be filed
with Secretary
of State.

SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand lodge, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold and enjoy to them and their successors, estates real and personal, of suing and being sued, and they and their successors may have a common seal, which may be changed and altered at their pleasure, provided that the value of such real and personal

To be a body
politic.

May hold real
estate to certain
amount.

estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to such charitable and benevolent purposes of the Loyal Orange Institution as shall best promote the welfare and the membership and the interests of the society, but such real and personal estate shall be subject to taxation for all purposes. Said corporation shall have the full power and authority to make and establish rules and regulations for the governing of all the affairs and business of said corporation, according to the laws of this State, and the United States, and to designate, elect or appoint from its members such officers, under such name and style, as shall be in accordance with the constitution of the grand lodge.

Property to be subject to taxation.

Officers.

SEC. 4. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation. Such corporation, when duly formed, shall have power to institute and charter district and subordinate lodges within this State, and from time to time, to make, ordain, constitute and establish such constitution, general laws and by-laws, ordinances and regulations, as the grand lodge shall judge proper for the regulation and government of such district and subordinate lodges, not repugnant to the laws of this State: *Provided*, That the existing district and subordinate lodges heretofore duly chartered by the supreme grand lodge of the United States, approved by the State grand lodge, shall be subject to the control of said State grand lodge under this act, as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act.

Articles of association to be prima facie evidence in all courts of this State.

Provided.

SEC. 5. The five principal officers, or in lieu thereof any five or more persons, resident of this State, being members of a district or subordinate lodge of the Loyal Orange Institution, having been duly chartered by the supreme grand lodge of the United States and approved by the grand lodge of this State, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by the name they and their successors shall have succession and shall be persons in the law capable to purchase, hold, enjoy, grant, sell,

Number required to incorporate subordinate lodges.

Articles of association to be filed with county clerk.

To be a body politic.

May hold real estate.

Provide as to powers.

May own buildings for lodge rooms.

Stock not to be transferred to persons who are not members.

Corporation formed under this act subject to general law.

When location of business office may be changed.

give, lease and demise real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of a record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation: *Provided*, Said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style as shall be in accordance with its constitution.

SEC. 6. Any corporation formed in pursuance of this act, may erect and own such suitable edifice, buildings or hall as to such corporation may seem proper, with convenient rooms for the meetings of the Loyal Orange Institution; and for that purpose may create a capital stock of not more than one hundred thousand dollars, to be divided into shares of not more than twenty-five dollars each: *Provided*, That said corporation shall have the right and privilege of purchasing said stock in case of sale or transfer of the same by any of its members: *And provided further*, That none of said stock shall be sold or transferred to any person or persons who are not members in good standing of the Loyal Orange Institution of this State; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery or crematorium and may make all lawful rules and regulations for the disposition of lots and the disposal of its dead, as to such corporation may seem proper.

SEC. 7. All corporations formed under this act, shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act and the legislature may alter or amend this act at any time.

SEC. 8. The location of the business office of the grand lodge of the Loyal Orange Institution, may be changed at any time, upon filing a written notice of such change in the office of the Secretary of State, within twenty days from the time of the change of such location.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 56.]

AN ACT to provide for the purchase and display of United States flags in connection with the public school buildings within this State.

SECTION 1. *The People of the State of Michigan enact,* That the board of education or the board of school trustees in the several cities, townships, villages and school districts of this State shall purchase a United States flag of a size not less than four feet two inches by eight feet, and made of good flag bunting "A," flag staff, and the necessary appliances therefor, and shall display said flag upon or near the public school building during school hours, and at such other times as to the said board may seem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are assessed and collected by law.

Board of education to purchase and display United States flags for school buildings.

Approved April 4, 1895.

[No. 57.]

AN ACT to amend section one of act one hundred seventy-one of the laws of Michigan for the year eighteen hundred seventy-three, entitled "An act establishing a State agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred and seventy-three, as amended, being compiler's section nine thousand eight hundred ninety-four of third Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred seventy-one of the laws of Michigan for the year eighteen hundred seventy-three, entitled "An act establishing a State agency for the care of juvenile offenders," approved April twenty-nine, eighteen hundred seventy-three, as amended, being compiler's section nine thousand eight hundred ninety-four of three Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows:

Section amended.

SECTION 1. The Governor may appoint in each county of this State an agent of the State Board of Corrections and Charities for the care of juvenile offenders and dependent children, who shall hold his office during the pleasure of the Governor, and shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent

Appointment of county agent.

Oath of office.

shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders, and also to the superintendents of State institutions authorized by law to place children in families by contract, indenture or adoption. Said agent shall receive as compensation for his services under this act, his necessary official expenses, together with the sum of three dollars in full for his services for each case investigated or visited and reported upon, as hereinafter provided, but not exceeding three dollars for any one day's service, which shall be audited by the Board of State Auditors, and paid from the general fund and when such services and expenses relate to the indenture, adoption or visiting of the children placed in families by any State institution, the amounts therefor shall be certified by the superintendent of the institution to which the children may belong: *Provided*, That the sum so allowed for the services of said county agent in any county shall be fixed in proportion to the population thereof, as follows: In those counties which contain, as shown by the last official census of this State, not exceeding thirty thousand population, it shall not exceed in any one year the sum of one hundred dollars; in counties having thirty thousand and not more than eighty thousand population, it shall not exceed in any one year the sum of two hundred [dollars]; and in counties having more than eighty thousand population such expenses shall not exceed the sum of three hundred dollars in any one year: *Provided further*, That the county agent of any county having a population of one hundred thousand or more, as shown by the last official census, may appoint an assistant, whose appointment shall be approved by the State Board of Corrections and Charities and that such agent and assistant shall be allowed such compensation as shall be recommended by the State Board of Corrections and Charities, not to exceed, in the aggregate in any one county, five hundred dollars in one year.

Approved April 4, 1895.

[No. 58.]

AN ACT to amend sections eleven, twenty-eight and thirty of act one hundred eighty-seven, of the session laws of eighteen hundred and eighty-seven, approved June seventeenth, eighteen hundred eighty-seven, entitled "An act to revise the laws providing for the incorporation of co-operative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State," and to add a new section thereto to stand as section thirty-one.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections eleven, twenty-eight and thirty of act number one hundred eighty-seven of the session laws of eighteen hundred and eighty-seven, approved June seventeenth, eighteen hundred eighty-seven, entitled "An act to revise the laws providing for the incorporation of co-operative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State," be and the same are hereby amended so as to read as follows, and that a new section be added thereto to stand as section thirty-one.

SEC. 11. The books, papers and documents of such corporation organized under the laws of this State shall be kept at its principal office, and every such corporation shall provide in its articles of association for the accumulation of an emergency fund, which shall not at any time be less than the maximum amount at risk on any one life, which fund, together with the income thereon, shall be a trust fund for the payment of death claims, or other benefits provided for in their policies or certificates; said fund shall be accumulated by existing corporations within six months from the time of the taking effect of this act, and by all others from the date of their incorporation. Such fund, with the increase thereof, shall be deposited, under trust deeds, to the credit of the corporate name of the corporation in some incorporated bank or banks, or may be invested by the trustees in its corporate name, in such securities as insurance companies are allowed by law to invest their funds. Such corporations organized in this State shall not have the power to take or hold real estate, except such as may be necessary for the transaction of its business, or may be acquired in the foreclosure of mortgages and all real estate acquired in the foreclosure of mortgages shall be sold or disposed of within five years after the title has been perfected in any such corporations. Annual statements of the transactions and financial condition of such corporation shall be made at the annual meeting of its members, and a copy of each annual statement filed with the insurance department of this State, in so far as it relates

Books, papers, etc., to be kept at principal office.

Trust fund to be maintained.

May hold certain real estate.

Annual statements to be made.

to its financial transactions and condition, and its certificate or policy account shall be mailed to every member within thirty days from the date of filing such statement: *Provided*, That any such corporation may provide in its policy for the payment at stated periods, of premiums or assessments, for the purpose of accumulating and maintaining and may accumulate and maintain a mortuary, an emergency and a reserve fund, and may provide in such policy that the members may receive the benefit of any surplus moneys not needed by such corporation. Nothing contained in this act shall be construed to permit any contract promising any fixed cash payment to any certificate or policy holder, excepting in the contingency of death or total permanent physical disability.

Provide as to payment of premiums or assessments.

When cash payments to be made,

What notice of assessment shall specify.

SEC. 28. Every notice of an assessment or call made by any corporation or association organized, existing or doing business hereunder shall specify the amount to be paid, the loss or benefit for the payment of which the call or assessment is made, except where premiums are made payable in the policy at stated intervals, and the time and place for the payment of the same, together with a correct statement of the mortuary or beneficiary fund, and of the emergency fund, showing the receipts, disbursements and balances at the close of the calendar month. No funds or moneys received or collected by any corporation or association organized, existing or doing business hereunder, for the purpose of paying or providing for the payment of death losses or accident indemnities shall be used or paid out for any purpose other than those contemplated in section eleven of this act.

Notice to holder before cancellation of certificate.

Affidavit of person mailing notice to be prima facie evidence.

Sick benefits may be included.

SEC. 30. No policy or certificate issued by any corporation or association doing business under the provisions of this act shall be canceled for the non-payment of any assessment, periodical call or dues, without first having mailed to the holder of such policy or certificate, at his or her last known postoffice address, a notice stating the amount of such assessment, periodical call or dues, and the limit of time in which the same must be paid. An affidavit made by the person having charge of the mailing of such notices, that any such notice was mailed, stating the date of mailing, shall be *prima facie* evidence thereof.

SEC. 31. All corporations or associations authorized by this act to engage in the business of providing indemnity to members for disability or death by accident may include also in such business indemnity to members for disability caused by sickness, and all provisions of this act relating to accident insurance shall apply to the sick benefit insurance herein provided for.

This act is ordered to take immediate effect.

Approved April 4, 1895.

[No. 59.]

AN ACT to amend section one of act number two hundred twenty-one of the session laws of eighteen hundred and sixty-five, entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred sixty-five, as amended by the acts amendatory thereof, the same being section sixty-eight hundred and twelve of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one of act number two hundred and twenty-one of the session laws of eighteen hundred and sixty-five, entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred and sixty-five, as amended, the same being section sixty-eight hundred and twelve of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

SECTION 1. Whenever it shall appear upon application to any probate court for letters of administration, or to prove the will of any deceased person, that the heirs at law of said deceased, or any of them, are residents of a foreign country, it shall be the duty of the judge of such probate court to notify the consul, vice consul, or consular agent, resident in [this] State, if there be one of such foreign nation where the said heir or heirs may reside and if no such consul, vice consul, or consular agent, reside in the State, he shall notify the consul of such foreign nation in the city of New York, of the pending of, and the day appointed for hearing such application. And such notice may be given by letter addressed to such consul, vice consul, or consular agent, and deposited in the post-office with the postage prepaid thereon, at the city or village where such application was made, at least sixty days before such day of hearing, unless such heir or heirs shall file in such probate court a waiver of such notice, in writing and under oath.

Approved April 4, 1895.

[No. 60.]

AN ACT to amend act number one hundred seventy-three of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the incorporation of orders of the Sons of St. George," approved June thirtieth, eighteen hundred ninety-one, by adding two sections thereto to stand as sections eight and nine.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred seventy-three of the session laws of eighteen hundred ninety-one, entitled "An act to provide for the incorporation of orders of the Sons of St. George," approved June thirtieth, eighteen hundred ninety-one, be and the same is hereby amended by adding two sections thereto to stand as sections eight and nine.

Who may execute articles of association.

SEC. 8. Any ten or more members of the body known as the Grand Lodge of the State of Michigan of the Order Sons of St. George, which number shall include the executive board of said grand lodge, may, under the provisions of this act, make and execute articles of association under their hands and seals, to be acknowledged before some officer of this State having authority to take acknowledgment of deeds, which articles shall set forth the same facts provided for in section two of this act, except that the location may be set forth as in the State of Michigan merely, and the corporate name shall be the "Grand Lodge of the State of Michigan of the Order Sons of St. George," and the object and purpose of the association shall be, and shall be set forth as, to exercise such jurisdiction, power and authority over subordinate lodges of said order in this State as are now, or may be given it by virtue of the articles and regulations of such Grand Lodge as they now, or as they may from time to time exist, not inconsistent with the laws and constitution of this State and of the United States.

Corporate name.

Articles of association to be filed with Secretary of State.

SEC. 9. Such articles of association shall be filed in the office of the Secretary of State, and thereupon the persons who have signed the same, their associates and successors, shall be a body corporate with all the powers and privileges as to property conferred by this act upon local lodges of said order, together with the jurisdiction, power and authority over local or subordinate lodges of said order in this State, mentioned in the preceding section, and shall be subject to all the provisions of law and reservations of power described in section seven of this act.

This act is ordered to take immediate effect.

Approved April 4, 1895.

[No. 61.]

AN ACT to amend section one of act number two hundred fifty-six of the public acts of eighteen hundred eighty-one, entitled "An act to provide for suits against foreign corporations in the courts of this State," approved June tenth, eighteen hundred eighty-one, being section eighty-one hundred forty-five of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one of act number two hundred fifty-six of the public acts of eighteen hundred eighty-one, entitled "An act to provide for suits against foreign corporations in the courts of this State," approved June tenth, eighteen hundred eighty-one, being section eighty-one hundred forty-five of Howell's annotated statutes of Michigan, be and the same is hereby amended so it shall read as follows:

SECTION 1. *The People of the State of Michigan enact,* Where suits may be commenced.
That suits may be commenced at law or in equity in the circuit court for any county of this State where the plaintiff resides or service of process may be had and suits at law, before justices of the peace in such county; and in cases where the plaintiff is a non-resident in any county of the State, against any corporation not organized under the laws of this State in all cases where the cause of action accrues within the State of Michigan, by service of a summons, declaration or chancery subpoena within the State of Michigan, upon any officer or agent of the corporation, or upon the conductor of any railroad train, or upon the master of any vessel belonging to or in the service of the corporation against which the cause of action has accrued: *Provided,* That in all cases, except before justices of the peace, no judgment shall be rendered for sixty days after the commencement of suit, and the plaintiff shall, within thirty days after commencement of suit, send notice by registered letter to the corporation defendant at its home office. How service may be had.

Approved April 4, 1895.

[No. 62.]

AN ACT to provide for the reorganization of fire and marine insurance companies, the terms of existence of which may hereafter expire by limitation, and to fix the duties and liabilities of such renewed corporation.

SECTION 1. *The People of the State of Michigan enact,* Reorganization of fire and marine insurance companies.
That it shall be lawful for any corporation heretofore organized or existing under the general laws of this State, for

the purpose of making insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire, and to make insurance upon vessels, freights, goods, wares and merchandise and other property against the risks of inland navigation, and transportation, whose corporate term is about to expire by limitation at any time within two years next preceeding the expiration of its charter, by a vote of at least two-thirds of its capital stock at any annual meeting or at any special meeting of its stockholders called for that purpose to direct continuance of its corporate existence for such further term, not exceeding thirty years from the expiration of its former term, as may be expressed in a resolution for that purpose. Upon the adoption of such resolution by the stockholders voting in person or by proxy, duly filed, at the annual meeting or at any special meeting called in accordance with the by-laws of the corporation, it shall be the duty of the president and secretary of the stockholders' meeting, to make, sign and acknowledge duplicate articles of association, as in the case of a new corporation, to which shall be appended a copy of the proceedings of such stockholder's meeting, certified by the secretary and verified by his oath, which articles of association shall be filed with the Secretary of State, and with the county clerk of the county where the principal office of the corporation is located and be recorded in their respective offices, at the expense of said corporation, and the copies so filed, or the record thereof, or the certified copy of either of such records, shall be *prima facie* evidence of the facts therein recited: *Provided*, The franchise fee provided by act number one hundred eighty-two of the public acts of eighteen hundred ninety-one shall apply and be paid by such corporation reincorporated hereunder.

SEC. 2. The renewed term of such corporation shall begin from the expiration of the former term thereof, and the corporation thus renewed shall hold and own all the property held and owned by the corporation before renewal, and shall be liable for all its debts and liabilities and obligations, and every stockholder in the corporation before renewal, shall be a stockholder to the same amount in the renewed corporation, as fully as if the former corporate term had not expired, and the directors and officers who were such in fact at the time of the meeting, shall hold and continue in their office until their successors shall be elected and shall qualify: *Provided, nevertheless*, That if the call for the meeting to extend the corporate term shall embrace a notice that a number of directors will be elected at such meeting, such election may be then held accordingly, and the directors become and be the directors of such renewed corporation.

Stockholders may direct corporate existence.

President to sign articles of association.

Articles of association to be filed with Secretary of State.

Proviso as to franchise fee.

Duties and liabilities of renewed corporation.

Proviso.

Approved April 4, 1895.

[No. 63.]

AN ACT to amend section eight of act number sixteen, session laws of eighteen hundred sixty-two, entitled "An act for the reorganization of the military forces of the State of Michigan," as amended by the several acts amendatory thereto, being compiler's section eight hundred seventy-five of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section eight of act number sixteen, session laws of eighteen hundred sixty-two, entitled "An act for the reorganization of the military forces of the State of Michigan," as amended by the several acts amendatory thereof, being compiler's section eight hundred seventy-five of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

[875.] Sec. 8. Each regiment of infantry shall consist Regiment, what to consist of.
of one colonel, one lieutenant colonel, one major for each battalion of four companies, one surgeon, one assistant surgeon, one chaplain, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, one hospital steward and two color sergeants, and not less than eight Companies.
nor more than twelve companies, each of which companies of infantry shall consist of one captain, one first lieutenant, one second lieutenant, five sergeants, eight corporals and not less than thirty-two nor more than seventy privates: *Provided,* That not more than two musicians may be Provide as to musicians.
enlisted and enrolled in each company of infantry, and they shall be in lieu of a corresponding number of privates. The field and line officers, except when elected to fill a vacancy, shall be commissioned for a term of three Term of commissioned officers.
years from the date of their election, and until their successors are commissioned.

Approved April 3, 1895.

[No. 64.]

AN ACT to regulate and govern the appointment of staff officers in the Michigan National Guard.

SECTION 1. *The People of the State of Michigan enact,* Who to be appointed or commissioned staff officers in Michigan National Guard.
That from and after the thirty-first day of December, in the year one thousand eight hundred and ninety-six, no person shall be appointed or commissioned as a staff officer of any division, brigade or regiment in the Michigan National Guard (except as medical officer or chaplain), who has not previously served three years or more in the National Guard, or in the regular or volunteer service of

Proviso as to
officers of United
States army.

the United States army, as a commissioned officer or enlisted man, or both: *Provided*, That the terms of this act shall not apply to officers of the United States army detailed for service with the forces of the National Guard and members of the Michigan State Naval Brigade, until three years have elapsed since the muster of the first division of said Michigan State Naval Brigade.

This act is ordered to take immediate effect.

Approved April 3, 1895.

[No. 65]

AN ACT to amend act number seventeen of the session laws of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of lodges of Knights of Pythias," approved March first, eighteen hundred seventy-seven, being chapter one hundred sixty of Howell's annotated statutes, by adding a new section thereto to stand as section nine.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number seventeen of the public acts of eighteen hundred seventy-seven, entitled "An act to provide for the incorporation of lodges of Knights of Pythias," approved March first, eighteen hundred seventy-seven, being chapter one hundred sixty of Howell's annotated statutes, be and the same is hereby amended by adding a new section thereto, to stand as section nine.

Incorporation of
Uniform Rank
Knights of
Pythias.

SEC. 9. Any brigade, regiment or division of the Uniform Rank Knights of Pythias of this State, having been duly warranted, may be incorporated in like manner as grand and subordinate lodges of Knights of Pythias, and enjoy the same powers, privileges and benefits under the provisions of this act.

Approved April 8, 1895.

[No. 66.]

AN ACT to amend sections one, three, four, five, eleven and thirteen of act number one hundred forty-seven of the public acts of eighteen hundred and ninety-one, being an act approved June nineteenth, eighteen hundred ninety-one, entitled "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensation for the same, and to repeal all

existing acts or parts of acts conflicting with the provisions of this act."

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one, three, four, five, eleven and thirteen of act number one hundred forty-seven of the public acts of eighteen hundred and ninety-one, entitled "An act to provide for the election of a county commissioner of schools, for the appointment of school examiners, and to define the duties and fix the compensations for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act," be amended so as to read as follows:

SECTION 1. That at the meetings of the several boards of supervisors of the different counties of the State, to be held on the fourth Monday in June, eighteen hundred ninety-one, the said several boards of supervisors shall elect a county commissioner of schools for their respective counties, whose term of office shall commence on the fourth Tuesday of August next following, who shall hold his or her office until the first day of July, eighteen hundred ninety-three, or until his or her successor shall be elected and qualified. Said board of supervisors shall also Election of county commissioner of schools.
on said fourth Monday of June, appoint two persons as school examiners, who, together with said commissioner of schools, shall constitute a board of school examiners. One of said school examiners shall be appointed for a period of one year and the other for a period of two years, from and after the second Monday of October next after their appointment, or until their successors have been appointed and qualified; and thereafter such boards of supervisors shall, at each annual session, appoint one examiner who shall hold his office for a period of two years, or until his successor shall have been appointed and qualified. Term of office.
Any person shall be eligible to the office of examiner who shall hold at least a third grade certificate and has taught in the public schools at least nine months, or who has the qualifications required of commissioner in section three of this act, except an experience of twelve months as teacher. In case a vacancy shall occur at any time in the office of school examiner, the judge of probate, together with the board of school examiners of the county in which such vacancy shall have occurred, shall, within ten days after the occurrence of such vacancy, appoint some suitable person to fill such vacancy. And the person so appointed shall hold the office for the unexpired portion of the term, or until his or her successor is appointed and has qualified. Within ten days after such commissioners or examiners shall have received legal notice of his or her election, he or she shall take and subscribe the constitutional oath of office, and the same shall be filed with the county clerk. The said county commissioner, so Appointment of school examiners.
appointed, shall execute a bond with two sufficient sureties to be approved by and filed with the county clerk, in the Term of office.
Annual appointment of examiners.
Who eligible to appointment.
Vacancy, how filled.
Oath of office.
Bond.

County clerk to report address to.	penal sum of one thousand dollars, conditioned that he or she shall faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all moneys which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and postoffice address of such county commissioner to the State Superintendent of Public Instruction.
Eligibility to office of.	SEC. 3. Persons eligible to hold the office of commissioner of schools must possess, besides an experience of twelve months as teacher in the public schools of the State, one of the following qualifications: Must be a graduate of the literary department of some reputable college, university or State normal school, having a course of at least three years, or hold a State teacher's certificate, or be the holder of a first grade certificate, but said first grade certificate shall only qualify the holder thereof to hold the office of commissioner in the county where such certificate was granted: <i>Provided</i> , That persons who have held the office of commissioner of schools under the provisions of act number one hundred forty-seven, public acts of eighteen hundred ninety-one, shall be eligible. In counties having less than fifty districts subject to the supervision of the county commissioner, a person holding at the time of his or her election a second grade certificate shall be eligible.
Proviso as to certain counties.	
Board to hold regular examinations.	SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examinations shall begin on the last Thursday of March and the third Thursday of August in each year. From these two examinations certificates of all grades may be granted. The said board of examiners may also in their discretion hold two other regular public examinations, which shall begin on the third Thursdays of June and October at such places as in the judgment of the board the best interests of the teachers may require. From these two examinations only certificates of the second and third grade may be granted. In counties having one hundred and fifty or more districts the said board of examiners may hold one special public examination for each additional twenty-five districts or fraction thereof which special public examination, when appointed, shall be held commencing on one or more of the following dates: The third Friday of February, April and September. The places of holding such special public examinations are also left to the discretion of the board of examiners. At such special public examinations only certificates of the third grade shall be granted. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding special examinations and to cause it to be published in one or
May hold additional examinations.	
What certificate may be granted.	
When special examination may be held.	
Schedule of examinations.	

more newspapers of the county at least ten days before each special examination.

SEC. 5. The board of school examiners shall meet on the Saturday of the week following such public examination held by the county commissioner, and shall grant certificates to teachers in such form as the Superintendent of Public Instruction shall prescribe, licensing as teachers all persons who shall have attained the age of seventeen years, who have attended such public examinations and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school, but no certificate shall be granted to any person who, having arrived at the age of twenty-one years, is not a citizen of the United States, and who shall not have passed a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government and physiology and hygiene, with the reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system. The board of examiners shall have the right, however, to renew without examination the certificates of persons who shall have previously obtained an average standing of at least eighty-five per cent in all studies covered in two or more previous examinations and who shall have been since such last named examinations continuously and successfully teaching in the same county. All certificates shall be signed by the county commissioner and by at least one other member of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools, under the provisions of this act, who has not a certificate in force granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the Superintendent of Public Instruction to the county commissioner under seal, to be opened in the presence of the applicants for certificates on the day of examination.

Meeting of board to grant certificates.

When board may renew certificates without examination.

Signing of certificates.

Superintendent of Public Instruction to prepare examination questions.

SEC. 11. No Superintendent of Public Instruction, instructor at institute, county commissioner or examiner, shall act as agent for the sale of any school furniture, text books, maps, charts or other school apparatus.

Who shall not act as agent.

SEC. 13. The officers of every school district which is or shall hereafter be organized in whole or in part in any incorporated city in this State where special enactments shall exist in regard to the licensing of teachers, shall employ only such teachers as are legally qualified under the provisions of this act: *Provided*, That in cities employing a superintendent, the examination of teachers shall be conducted by such superintendent or by a committee of the board of education of such school district, and certificate issued at such time and in such a manner as the Superintendent of Public Instruction and board of educa-

Licensing and employment of teachers.

Provide as to cities employing superintendent.

Provision as to
normal training
department.

When primary
school interest
fund shall be
forfeited.

Repeating
clause.

tion in such city shall prescribe. Cities having a special and thoroughly equipped normal training department, under control of a special training teacher, such school having a course of not less than one year, shall be exempt from the provisions of this section as to the examination of teachers. Any board of education that shall violate the provisions of this act by employing a teacher who is not legally qualified, shall forfeit such a proportion of the primary school interest fund as the number of unqualified teachers employed bear to the whole number of teachers employed in the district. All school districts organized by special enactments, shall, through their proper officers, make such reports as the Superintendent of Public Instruction may require.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

This act is ordered to take effect July 4, 1895.

Approved April 8, 1895.

[No. 67.]

AN ACT to provide for the incorporation of tents of the Independent Order of Rechabites in North America.

Independent
Order of
Rechabites may
incorporate.

Number re-
quired to
incorporate.

May make arti-
cles of associa-
tion, contents of.

Articles of asso-
ciation to be
filed with Secre-
tary of State.

SECTION 1. *The People of the State of Michigan enact,* That grand tents, district tents and primary tents of the Independent Order of Rechabites in North America in the State of Michigan may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any ten or more persons residents of this State being members of a grand or district tent of the Independent Order of Rechabites in North America, that has been duly chartered by the high tent of the said order and including in the number, if a grand tent, the grand chief ruler, the grand secretary and the grand treasurer, and if a district tent the district chief ruler, the district secretary, and the district treasurer, desiring to become incorporated, may make and sign articles of association, setting forth their names, official titles, and place of residence, the corporate name by which the association shall be known in law, the place of its business office, the period for which it is incorporated, not exceeding thirty years, and the purposes of the association which shall be the promotion of temperance in the use of, and total abstinence from the use of all intoxicants, of mutual and moral improvement among the membership, and of mutual aid and relief among the members.

SEC. 3. Such articles of association shall be acknowledged before a notary public, and a copy thereof shall be filed with the Secretary of State, and thereupon the per-

sons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the sum of ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the objects as above set forth of such association. And all of the property of said association shall be subject to taxation for all purposes as other property is assessed and taxed. Said corporation to have full power to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this State or of the United States, and to designate, elect or appoint, from its members, such officers under such name and style as shall be in accordance with the constitution or the laws of the high tent of the Independent Order of Rechabites of America.

To be a body politic.

May hold real estate.

Proviso as to amount.

Property to be subject to taxation.

SEC. 4. A copy of the record of such articles of association under the seal of the State, duly certified, according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

Copy of records to be evidence.

SEC. 5. Such corporation, when duly formed, shall have power to institute and charter primary, junior and female tents of said order within this State, and from time to time to make, ordain, constitute and establish such general laws and by-laws, ordinances and regulations for the government of such primary, junior, or female tents not repugnant to the law or to the constitution or regulations of the high tent of the Independent Order of Rechabites of America as to them shall seem proper and necessary; and in case of violation or non-compliance with such ordinances, by-laws and regulations to revoke and amend the charter granted to such primary, junior or female tents: *Provided*, That the existing primary, junior or female tents heretofore duly chartered by the high tent or the district tent, shall be subject to the control of the said high tent, or district tent as the case may be, under this act as heretofore, and in the same manner and to the same effect as those that may be hereafter instituted and chartered under this act.

Corporation when formed may institute junior and female tents.

Proviso as to primary tents.

SEC. 6. Any nine or more persons, residents of this State, being members of any primary, junior or female tent, having been duly chartered by the grand or district tent

Number required to incorporate primary, junior and female tent.

Articles of association to be filed with county clerk.	of this State, desirous to become incorporated, may make and execute articles of association under their hands and seal, specifying as provided in sections two and three of this act, and file a copy of such articles with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for such purposes, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of corporation and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold and enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association, under seal of the county where the record is kept, shall be received as <i>prima facie</i> evidence in all courts in this State of the existence and due incorporation of such corporation: <i>Provided</i> , That the value of such real and personal estate shall not exceed the sum of five thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate or part thereof at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the objects as above set forth of such corporation.
To be a body politic.	
May hold real estate, etc.	
Copy of records to be evidence.	
Proviso as to amount of property.	
May erect building and create capital stock.	SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, building or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the primary, junior or female tents of the Independent Order of Rechabites of America, which they could sublet to other societies, and for that purpose may create a capital stock of not more than twenty thousand dollars to be divided into shares of not more than twenty-five dollars each.
Limit of amount.	

Approved April 8, 1895.

[No. 68.]

AN ACT to amend section twenty-eight of chapter one hundred fifty-four of the revised statutes of eighteen hundred forty-six, relative to offenses against property, being section ninety-one hundred fifty of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-eight of chapter number one hundred fifty-four of the revised statutes of eighteen hundred forty-

six, relative to offenses against property, being section nine thousand one hundred fifty of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

[9150.] SEC. 28. If any officer or agent of this State or of any county, city, village, township or school district within the State, into whose hands money, books, papers, evidence of debt, or other property shall come by virtue of his office or agency, shall willfully refuse or neglect, on demand, to deliver the same to his successor in office or to the person authorized by law to receive or have charge of the same, he shall be punished by imprisonment in the State prison not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year.

Officer or agent of State refusing to deliver money to successor.

Penalty.

Approved April 8, 1895.

[No. 69.]

AN ACT to amend section sixteen of chapter one hundred sixty-three of the compiled laws of eighteen hundred seventy-one, being compiler's section six thousand forty of Howell's annotated statutes, relative to notice of sale of real estate by executors, administrators and guardians for the payment of debts.

SECTION 1. *The People of the State of Michigan enact,* That section sixteen of chapter one hundred sixty-three of the compiled laws of eighteen hundred seventy-one, being compiler's section six thousand forty of Howell's annotated statutes, relative to notice of sale of real estate by executors, administrators and guardians for the payment of debts, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 16. When a sale is ordered, notice of the time and place of holding the same shall be posted up in three of the most public places in the township or ward in which the land is situated at least six weeks before the sale, and shall be published once in each week for six weeks successively next before such sale in a newspaper printed and circulated in the same county, if there be one, and if there be none, then in such newspaper as the court may direct, in which notice the lands and tenements to be sold shall be described with common certainty.

Notice of sale to be printed and posted.

Approved April 8, 1895.

[No. 70.]

AN ACT to amend section nine thousand ninety-four of Howell's annotated statutes, as amended by act number one hundred twelve of the session laws of eighteen hundred eighty-seven, relative to the crime of rape.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine thousand ninety-four of Howell's annotated statutes, as amended by act number one hundred twelve of the session laws of eighteen hundred eighty-seven, be and the same is hereby amended so that the same shall be and read as follows, viz.:

Penalty for car-
nally knowing
any female
under sixteen
years of age.

§ 9094. SEC. 20. If any person shall ravish and carnally know any female of the age of sixteen years, or more, by force and against her will, or shall unlawfully and carnally know and abuse any female under the full age of sixteen years, he shall be punished by imprisonment in the State prison for life, or for any such period as the court in its discretion shall direct, and such carnal knowledge shall be deemed complete upon proof of penetration only.

Approved April 15, 1895.

[No. 71.]

AN ACT making appropriations for the State Board of Fish Commissioners for the year ending June thirtieth, eighteen hundred and ninety-six and the year ending June thirtieth, eighteen hundred and ninety-seven.

Appropriation
for board of fish
commissioners.

SECTION 1. *The People of the State of Michigan enact,* That the sum of twenty-seven thousand five hundred dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred ninety-five, and ending June thirtieth, eighteen hundred and ninety-six; and the sum of twenty-seven thousand five hundred dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred and ninety-six, and ending June thirtieth, eighteen hundred and ninety-seven, for the necessary current expenses of the State Board of Fish Commissioners during those years; all of which the State Treasurer shall pay to said board, on the warrants of the Auditor General, from time to time, as their vouchers for the same shall be exhibited and approved.

State Treasurer
to pay on war-
rant of Auditor
General.

Further
appropriation.

SEC. 2. The further sum of five thousand dollars be and the same is hereby appropriated for use by said board for the year ending June thirtieth, eighteen hundred and ninety-six, for the construction of ponds and erection and repair of buildings and purchase of lands for the several stations, for the propagation of fish and for

the prosecution of the work entrusted by law to said board.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-five, the sum of thirty-two thousand five hundred dollars. He shall also add to and incorporate in the State tax for the year eighteen hundred and ninety-six the further sum of twenty-seven thousand five hundred dollars; all of which shall be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be paid into the State treasury to reimburse the same for the amounts to be drawn as provided in sections one and two of this act: *Provided*, That no moneys appropriated by this act shall be used for the payment of any labor other than that performed by citizens of the United States.

Auditor General to incorporate in State tax amount appropriated.

Money not to be paid to other than United States citizens.

This act is ordered to take immediate effect.

Approved April 15, 1895.

[No. 72.]

AN ACT to repeal act one hundred and eighty-three of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the collection and compilation of statistics of municipal indebtedness and taxation."

SECTION 1. *The People of the State of Michigan enact*, That act one hundred and eighty-three of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the collection and compilation of statistics of municipal indebtedness and taxation," approved April thirtieth, eighteen hundred and seventy-nine, be and the same is hereby repealed.

Act repealed.

Approved April 15, 1895.

[No. 73.]

AN ACT to amend section fifteen of act number one hundred and ninety-four of the public acts of eighteen hundred and eighty-nine, entitled "An act to revise and consolidate the laws relative to the State Board of Education," approved June twenty-seventh, eighteen hundred eighty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of act number one hundred and ninety-four of the public acts of eighteen hundred and eighty-

Section amended.

nine, entitled "An act to revise and consolidate the laws relative to the State Board of Education," be amended to read as follows:

Meetings of State board of education to examine teachers and grant certificates.

SEC. 15. Said board shall hold at least two meetings each year, at which they shall examine teachers, and shall grant certificates to such as have taught in the schools of the State at least two years, and who shall, upon a thorough and critical examination in every study required for such certificate, be found to possess eminent scholarship, ability and good moral character. Such certificate shall be signed by the members of said board, and be impressed with its seal, and shall entitle the holder to teach in any of the public schools of this State without further examination, and shall be valid for life, unless revoked by said board. No certificate shall be granted except upon the examination herein prescribed: *Provided*, That the said State Board of Education may, in its discretion, endorse State teachers' certificates or normal school diplomas granted in other states, if it be shown to the satisfaction of such board that the examinations required or courses of study pursued are fully equal to the requirements of this State.

Provide as to normal school diplomas.

Approved April 16, 1895.

[No. 74.]

AN ACT to provide for the incorporation of the State Association of Young Men's Christian Associations of the State of Michigan.

Number required to incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons, representing five or more local associations who desire to become incorporated as "The State Association of Young Men's Christian Associations of the State of Michigan," may execute under their hands and acknowledge before some person in this State, duly authorized to take acknowledgment of deeds, one or more duplicate articles of association for that purpose, one copy of which shall be filed and recorded in the office of the Secretary of State.

Contents of articles of association. Names.

SEC. 2. The articles of association shall contain:

Corporation name.

First, The names of the persons associated in the first instance and their places of residence;

Objects of organization.

Second, The name of such corporation and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it is organized expressly stated;

Terms and conditions of membership.

Fourth, The terms and conditions of membership, provided that all regularly chosen delegates from local Young Men's Christian Associations in this State, incorporated or

unincorporated, shall be eligible to membership under such regulations as said articles shall prescribe.

SEC. 3. The affairs of such corporation shall be managed by a board of directors, composed of not less than nine nor more than twenty-five members, who shall be chosen by the members of said corporation in convention assembled, and whose terms of office shall not exceed three years. They shall be elected by classes so that the terms of one-third of such directors shall expire each year. Vacancies occurring in such board by death, resignation or otherwise, may be filled by said board of directors, and persons so appointed shall hold their office until the next annual meeting or convention of said corporation, at which time said vacancies shall be filled for the remainder of the term in the usual manner.

Corporation to be managed by board of directors.

Directors, how classified and elected.
Vacancy, how filled.

SEC. 4. Said board of directors shall, in each year, fix the time and place for holding the annual meeting of such corporation, of which meeting notice of at least thirty days shall be given to each body represented in such corporation.

Board of directors to fix time and place for holding annual meetings.

SEC. 5. Said board of directors shall be known as the State executive committee of the Young Men's Christian Association, and shall have power to elect from their number the officers of said corporation, and to enact, alter and repeal all necessary by-laws for the management of the affairs of said corporation and the conduct of its officers.

Board of directors to be known as State executive committee of.

SEC. 6. Said corporation may own and hold such real and personal estate, not to exceed one hundred thousand dollars, as may be necessary or convenient for carrying out the purposes of this corporation, and which shall be used exclusively for such purposes.

May hold property.

SEC. 7. A full statement of all the affairs of said corporation shall be made by its officers whenever required by the Attorney General, Secretary of State, or either house of the State Legislature.

Statement to be made.

Approved April 16, 1895.

[No. 75.]

AN ACT to amend section one of act number one hundred sixty-five of the laws of eighteen hundred sixty-one, entitled "An act to authorize and empower judges of probate to license executors, administrators and guardians to mortgage or otherwise pledge estate for the settlement of debts against the same," approved March fifteenth, eighteen hundred sixty-one, as amended by subsequent acts, the same being section six thousand one hundred five of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred sixty-five of the laws of eighteen hundred sixty-one, entitled "An act

Section amended.

to authorize and empower judges of probate to license executors, administrators and guardians to mortgage or otherwise pledge estate for the settlement of debts against the same," approved March fifteenth, eighteen hundred sixty-one, as amended by subsequent acts, the same being section six thousand one hundred five, Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Judge of probate may order executor to mortgage estate for certain purposes.

[§ 6105.] SECTION 1. The several judges of probate may, by order, license and empower any executor, administrator or guardian, for the purpose of paying the debts against the estate of any deceased person or supporting or paying the debts of any ward, or making necessary repairs to buildings belonging to such estate or ward (or in case of an incompetent ward, for the purpose of completing the erection of buildings begun by the ward prior to his having been adjudged incompetent), to borrow money by way of mortgage on the estate of such deceased person or ward, or any part thereof, or otherwise pledge the same.

Approved April 16, 1895.

[No. 76.]

AN ACT to permit and authorize the use of the Abbott voting machine or any other voting machine which complies with the requirements of this act, at all elections held in this State.

Township, village or city may use Abbott voting machine.

SECTION 1. *The People of the State of Michigan enact,* That hereafter any township, village or city within this State may, by a unanimous vote of the township board of any township, or by a majority vote of the council or common council of any village or city, authorize, purchase and order the use of the Abbott or other voting machine in any one or more voting precincts at any election held within such township, village or city, and thereafter at all elections in such township, village or city, unless otherwise ordered by said board or council, or common council, the Abbott or other voting machine shall be used as hereinafter provided: *Provided,* That the township board of any township may, in their discretion, submit, at any regular township meeting, to a vote of the electors, the question of providing and ordering such voting machine.

Provide as to ordering voting machine.

Voting machine to be tested before purchase.

SEC. 2. Before such township board, council or common council shall order, contract for, purchase, agree to purchase or order the use of any voting machine, they shall first test such machine by using the same under conditions, similar, as near as may be, to those of an actual election. Said township board, village or city council shall select three or more electors of said township,

Who to be inspectors.

village or city, who are not members of said township board or city or village council, who shall act as inspectors and clerks of election, and any resident elector of said township, village or city, shall be entitled to vote upon and with said machine until at least one hundred votes in all shall have been cast by not less than twenty different persons, and, if after testing said machine, as above stated, it shall prove satisfactory to said board, or council or common council, and fill all the requirements of section three of this act, they may then or thereafter purchase and order the use of said machine at all elections held thereafter in said township, village or city.

Vote test.

SEC. 3. Said voting machine shall be of that class or type of machine known as registering machines, in the construction and operation of which the record of the whole number of votes cast, the total number of votes cast for each candidate for each office, and the total number of votes as to each office wherein the voter failed, neglected or refused to select and vote for a candidate shall be kept separately and registered upon metal surfaces. Said machine shall be so constructed and operated as to show in a conspicuous place in full view of the inspectors and bystanders at all times during an election, the record of the whole number of votes cast, regardless of and not including the number of persons who may enter the booth or machine for the purpose of voting or for any other purpose, but who for any reason fail, neglect or refuse to vote. Said machine shall also keep and register accurately the total number of votes for each candidate for each office, and the number of votes wherein the voters failed, neglected or refused to vote for any candidate for such office. And the sum of the number of votes cast for the several candidates for an office, added to the number of votes wherein no person was voted for, shall equal the whole number of votes as shown by the record upon the machine, and the poll list containing the names of persons who have voted. Any discrepancy between the totals thus obtained shall be regarded as *prima facie* evidence that the machine is not reliable and correct, and render its use unlawful unless it shall be affirmatively proved that the poll list was incorrect. Said machine shall be so constructed and operated that a movable part of the mechanism located between the part operated by the voter and the register wheel or metal surfaces upon which the record is kept is in full view of the inspectors and bystanders at all times when being operated by the voter, and the connection, action or motion communicated by the voter to the visible part of the mechanism from and between the said visible part of said mechanism, and the register wheels or metal surfaces upon which the record is kept must be what is known and understood in mechanics as "positive," and not dependent upon the action of springs, pawls, latches or other retracting or reciprocal devices

Voting machine to be known as registering machines.

Certain votes to be kept separate.

Machine to keep total number of votes.

Discrepancy between machine and poll list prima facie evidence that machine is not correct.

When machine proves satisfactory, township board may purchase.

Manner of arranging names for voting.

Rules and regulations as to voting machine.

for accurate or certain action. All of said register wheels which are at any time concealed from public view, shall at all times, whether concealed from view or not, be positively locked in series, so that it shall be impossible by any means to alter or change the record upon said register wheel or metal surfaces without moving the visible part of the actuating mechanism as in voting. Any voting machine, which in its construction and operation embodies all of the above named features, and is otherwise satisfactory to the township board, village or city council, may be purchased, furnished and used.

SEC. 4. Said voting machine shall be so constructed and operated that the slides containing the names of candidates for the several offices may be moved singly or in unison for the selection of candidates at the will of the voter. Means shall be provided for arranging straight tickets at one motion, and for voting straight, split or scratched tickets at one motion.

SEC. 5. Said township board, council or common council, shall make rules and regulations for the care and use of said voting machine, but the arrangement of the room in which the election is being conducted, the duties of the election commissioners and officers of the election before, during and after the election, and the manner of conducting the election and canvassing the vote thereat shall not be changed except as is necessary in consequence of the substitution of the voting machine for the ballots, ballot boxes and booths used under existing laws.

This act is ordered to take immediate effect.

Approved April 17, 1895.

[No. 77.]

AN ACT to amend section eleven of chapter one hundred fifty of the revised statutes of eighteen hundred forty-six, relative to the fees of sheriffs in executing process issued out of the courts of law and equity, and by judicial and other officers, and for other services, as amended by the several acts amendatory thereof, being section nine thousand seventeen of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section eleven of chapter one hundred fifty of the revised statutes of eighteen hundred forty-six, relative to the fees of sheriffs in executing process issued out of the courts of law and equity, and by judicial and other officers, and for other services, as amended by the several acts amendatory thereof, the same being section nine thou-

and seventeen of Howell's annotated statutes, be and the same is amended to read as follows:

[SEC. 9017.] SEC. 11. For serving a summons, writ of Fees, summons, writs, etc.
 replevin, or other processes by which a suit shall be commenced in a court of law, or a subpoena to appear and answer in chancery, seventy-five cents when service is made on one defendant only, and for the service on each additional defendant, twenty-five cents; for traveling in making such service, on the usual traveled route, ten cents per mile for going only to be computed in all cases from the court house of the county in which the service is made, or from the place where the court has usually been held therein; for taking a bond of a plaintiff in replevin, or taking a bond on the arrest of a defendant, or in other cases where he is authorized to take the same, fifty cents; for a certified copy of such bond, when requested, twenty-five cents; for a note of every *capias* delivered to a defendant on request, six cents; for a copy of every summons, *scire facias*, or declaration served by him, when made by the sheriff, six cents for each folio; for a copy of every other writ, when demanded or required by law, twenty-five cents; for serving an attachment for the payment of money, or an execution for the payment of money, or a warrant issued for the same purpose and delivered to him by the county treasurer or any supervisor, for collecting the sum of two hundred and fifty dollars or less, two and one-half per cent, and for any sum more than two hundred and fifty dollars, one and one-quarter per cent; advertising goods or chattels, lands or tenements for sale, on any execution, if a sale be made, one dollar; and if the execution be stayed or settled after advertising and before sale, fifty cents. The fees allowed by law and paid to any printer by such sheriff for publishing an advertisement of the sale of real estate for not more than six weeks and for publishing the postponement of any such sale, the expense shall be paid by the party requiring the same. The fees herein allowed for the service of an execution and for advertising therein shall be collected by virtue of such execution, in the same manner as the sum therein directed to be levied; but when there shall be several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertising fee charged on the whole, and the sheriff shall elect upon which execution he will receive the same. For every certificate on the sale of real estate, fifty cents; and for each copy thereof, twenty-five cents, which, together with the register's fee for filing the same, shall be collected as other fees on execution; for drawing and executing a deed pursuant to a sale of real estate, one dollar; serving a writ of possession or of restitution, putting any person into possession of the premises and removing the occupant, one dollar, and the same compen-

Traveling.

Bond of plaintiff.

Copy of summons.

Copy of writ.

Attachments.

Warrant.

Advertising.

Fees of printer, how paid.

Fees for execution, how collected.

Certificate of sale of real estate.

For deeds.

Writ of possession.

Summoning juries.	sation for traveling as is herein allowed on other writs; taking a bond for the liberties of the jail, fifty cents; summoning a jury, upon a writ of inquiry attending such jury, and making and returning the inquisition, one dollar and fifty cents; summoning a special jury struck pursuant to an order of the court, and returning the panel, one dollar and fifty cents; summoning a jury pursuant to any precept or summons of any officer in any special proceeding, one dollar, and for attending such jury, when required, fifty cents; bringing up a prisoner upon <i>habeas corpus</i> to testify or answer in any court, one dollar, and for traveling each mile from the jail, thirteen cents; for attending any court with such prisoner, one dollar per day, besides actual necessary expenses; bringing up a prisoner upon <i>habeas corpus</i> with the cause of his arrest and detention, one dollar, and for traveling, thirteen cents for each mile from the jail; attending before any officer with a prisoner for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into his custody in either case, one dollar; attending a view, when ordered by the court, one dollar and fifty cents per day, including the time occupied in going and returning; serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon, created by law, seventy-five cents, with such additional compensation for his trouble and expenses in taking possession of and preserving the same as the officer issuing the warrant shall certify to be reasonable; for making and returning an inventory and appraisal to the appraisers, one dollar for each day actually employed, and fifty cents for each half day; and for drafting the inventory, twenty-five cents for each folio, and for copying the same, six cents for each folio; for selling any ship, boat or vessel, or the tackle, apparel or furniture thereof, so attached, and for advertising such sale, the same fees as for sales on executions; for giving notice for general or special election to the inspectors of the different townships and wards of his county, fifty cents for each township or ward, and the expenses of publishing such notices required by law, such fees and expenses to be paid by the county, as other contingent expenses thereof; for any services which may be rendered by a constable, the same fees as are allowed by law for such services to a constable; for attending the supreme court by the order of the court, two dollars and fifty cents for each day, to be allowed by the Auditor General, on the certificate of the clerks, and paid out of the State treasury; for attending a circuit court, by the order of the court, one dollar and fifty cents for each day, except in the counties of Kent and Wayne. In the county of Kent, for attendance on the said circuit court, shall be two dollars and fifty cents for each day, to be allowed and paid by the county in the same manner
Traveling.	
Attending with prisoner.	
Proceedings against vessels.	
Inventory.	
Selling vessel, etc.	
Notice of elections.	
Services as constable.	
Attending supreme court.	
Attending circuit court, Kent county.	

as other contingent charges of the county. In the county of Wayne on and after the first day of January, eighteen hundred and ninety-seven, there shall be paid to the deputy sheriffs in actual attendance on the circuit court in the said county the sum of one thousand dollars per annum to be allowed and paid as other contingent charges of the county are paid: *Provided*, The number of said deputies shall not exceed two for each judge of said circuit. For summoning grand or petit jurors to attend the circuit court, fifty cents for each juror summoned; serving a subpoena for witnesses, fifteen cents for each witness summoned, and ten cents for each mile actually traveled, in going only, but when two or more witnesses live in the same direction, traveling fees shall be charged only from the farthest; keeping and providing for debtor in jail in all cases where the debtor is unable to support himself, fifty cents for each day, to be paid by the creditor each week, in advance, and which sum the creditor shall be entitled to recover from the debtor; for mileage on every execution collected, ten cents per mile, for going only, to be computed from the court house of his county; for selling lands on the foreclosure of a mortgage by an advertisement, and executing a deed to the purchaser and for all services required on such sale, three dollars. And any sheriff or other officer who shall demand or receive any greater fees or compensation for performing any of the services hereinbefore mentioned than is hereinbefore allowed, shall, in addition to all other liabilities now provided by law, be liable to the party injured or paying such illegal fees, in three times the amount so demanded, received, or paid, together with all costs of suit or prosecution; and any sheriff or other officer neglecting or refusing any of the services required by this act, after the fees specified have been tendered, shall be liable to the party injured for all damages which he may sustain by reason of such neglect or refusal.

Attending circuit court in Wayne county.

Grand or petit jurors.

Witnesses.

Keeping debtor in jail.

Mileage on execution.

Selling land.

Penalty for receiving illegal fees.

Approved April 17, 1895.

[No. 78.]

AN ACT to amend section forty-five of act number one hundred and fifty-five of the session laws of eighteen hundred fifty-one, entitled "An act to provide for the formation of companies to construct plank roads," the same being section three thousand six hundred and forty of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact*, That section forty-five of act number one hundred fifty-five of the session laws of eighteen hundred fifty-one, entitled

Section amended.

"An act to provide for the formation of companies to construct plank roads," the same being section three thousand six hundred and forty of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Corporation
liable for dam-
ages when road
not kept in
repair.

[§ 3640.] SEC. 45. Any such corporation shall be liable for all damages that may be sustained by any person or persons, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair.

Approved April 17, 1895.

[No. 79.]

AN ACT to protect vineyards, orchards and gardens, and to repeal act number one hundred thirty-one, public acts of eighteen hundred sixty-nine, entitled "An act to protect vineyards in the State of Michigan," being section nine thousand one hundred and ninety-five of Howell's annotated statutes.

Penalty for en-
tering vineyard,
orchard or gar-
den in certain
season.

SECTION 1. *The People of the State of Michigan enact,* That any person who shall enter a vineyard, orchard or garden, during the months of July, August, September or October, without the consent of the owner, and pick, take, carry away, destroy or injure any of the fruits, vegetables or crops therein, or in any wise injure or destroy any bush, tree, vine or plant, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than ninety days, or by fine not less than five nor more than one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Act repealed.

SEC. 2. That act number one hundred thirty-one of the public acts of eighteen hundred sixty-nine, entitled "An act to protect vineyards in the State of Michigan," being section nine thousand one hundred and ninety-five of Howell's annotated statutes of Michigan, be and the same is hereby repealed.

Approved April 17, 1895.

[No. 80.]

AN ACT to amend sections six and eight of act number forty-nine of the public acts of eighteen hundred ninety-one, being an act entitled "An act to amend sections six and eight of act number one hundred thirty-six of the public acts of eighteen hundred eighty-five, being an act entitled 'An act to provide for the appointment, compensation and duties of a stenographer for the sixteenth judicial circuit.'"

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections six and eight of act number forty-nine of the public acts of eighteen hundred ninety-one, being an act entitled "An act to amend sections six and eight of act number one hundred thirty-six of the public acts of eighteen hundred eighty-five being an act entitled 'An act to provide for the appointment, compensation and duties of a stenographer for the sixteenth judicial circuit,' " be and the same are hereby amended so as to read as follows:

SEC. 6. The stenographer so appointed shall receive as a compensation for such services the sum of nine hundred dollars per annum, which sum shall be paid in monthly installments as hereinbefore provided, out of the county treasury of the county of Macomb, upon the order of the clerk of said county, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided,* The circuit judge shall certify thereon that said services have been faithfully performed. Appointment, compensation and duties of circuit court stenographer, sixteenth judicial circuit.

SEC. 8. To make up and pay the salary specified in section six of this act, the board of supervisors of the said county of Macomb shall annually appropriate the sum of nine hundred dollars for such purpose. Board of supervisors to appropriate amount.

This act is ordered to take immediate effect.

Approved April 17, 1895.

[No. 81.]

AN ACT to amend section two of act number one hundred forty-five of the session laws of eighteen hundred fifty-five, entitled "An act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes," approved February thirteenth, eighteen hundred fifty-five, as heretofore amended, being section four thousand six hundred eighteen of Howell's annotated statutes of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number one hundred forty-five of the session laws of eighteen hundred fifty-five, entitled "An act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes," approved February thirteenth, eighteen hundred fifty-five, as heretofore amended, being section four thousand six hundred eighteen of Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows:

Number of persons necessary to organize.

SEC. 2. It shall be lawful for any number of persons of full age, not less than five, who may be desirous of forming themselves into a church, congregation or religious society, to be connected with some church organization, and who shall sign articles of association for that purpose, to assemble together at such place as they may select, and by a plurality of votes, by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, a majority of whom shall, both in case of a church and in case of a society connected with the church, be members of such church, as trustees, to take charge of the property belonging to, and transact all the affairs relative to the temporalities of such church, congregation or society: *Provided,* In case any church or society shall number more than four hundred persons, it may have not less than three nor more than fifteen trustees. At any time after such church, congregation or society, shall have become duly organized, it shall be lawful for it, at a meeting thereof called in accordance with the provisions of this act, by a vote of two-thirds of the members of such church, congregation or society entitled to vote, present at any such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendments shall become operative on filing a copy of the same, certified by the moderator, chairman or president and clerk of such meeting with the clerk of the county where such church, congregation or society is organized.

Provide as to number of trustees.

May amend articles of association.

Approved April 17, 1895.

[No. 82.]

AN ACT to amend section three of act number one hundred and forty-one of the public acts of eighteen hundred and seventy-three entitled "An act to provide for the incorporation of ecclesiastical bodies and societies," approved April twenty-second, eighteen hundred and

seventy-three, being section four thousand six hundred fifty-five of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section three of act number one hundred forty-one of the public acts of the State of Michigan, approved April twenty-second, eighteen hundred and seventy-three, being section four thousand six hundred fifty-five of Howell's annotated statutes, be so amended as to read as follows:

SEC. 3. Any corporation formed under this act shall, whenever required by the Attorney General, Secretary of State, or either house of the State Legislature, report a full statement of its real and personal estate, exhibiting all its financial affairs, which shall, within a reasonable time after demand, be filed in the office of the Secretary of State. And said corporation may, by a vote of two-thirds of all the members present at any regular annual meeting, change the name thereof, or alter or amend its articles of association, in any manner not inconsistent with the provisions of this act: *Provided*, That written notice of such change of name or of such alteration or amendment of its articles of association, shall have been filed with the secretary at the regular meeting of said association, next preceding the one at which action shall be taken thereon, or notice of such change, alteration or amendment shall be filed with the secretary of such corporation, and a copy thereof sent by him at least thirty days before the meeting at which action is to be taken thereon, to every constituent body belonging to such corporation. Notice of such change, or a copy of said alteration or amendment, with a certificate attached, signed by the presiding officer and secretary or scribe of said meeting, shall be forthwith filed in the office of the Secretary of State, and such change, alteration or amendment, when made, shall in no wise affect the liability of such corporation for any of its debts, or any obligations due or to become due, in its favor.

Corporation to report full statement of financial affairs.

May change name or amend articles of association.

Provide as to change.

Copy of alteration or amendment to be filed with Secretary of State.

This act is ordered to take immediate effect.

Approved April 17, 1895.

[No. 83.]

AN ACT to amend act number two hundred and forty-three of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State, approved June eighth, eighteen hundred and

eighty-one, by adding one new section to chapter nine of said act, to stand as section ten.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and forty-three of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," be and the same is hereby amended by adding a new section to chapter nine of said act to stand as section ten and to read as follows:

Penalty for putting garbage or waste material into highway.

SEC. 10. That if any person or persons unless duly authorized by the highway commissioner of the township, or the overseer of the road district, shall put any garbage, rubbish or waste material of any kind into any highway of any township of this State, with the intent to permit the same to remain therein, to the injury in any way of said highway, or to the annoyance of the citizens of this State, or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than five dollars nor more than ten dollars, together with the costs of prosecution, and in default in the payment thereof shall be imprisoned in the county jail of the county in which such conviction may be had not exceeding ten days, or both such fine and imprisonment in the discretion of the court.

Approved April 17, 1895.

[No. 84.]

AN ACT to amend section four of act one hundred sixty-one, of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to provide for the care and maintenance of indigent insane persons in private asylums within the State," approved June seventh, eighteen hundred eighty-seven, being compiler's section 1945*d*, of third Howell's annotated statutes of Michigan.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section four of act one hundred sixty-one, of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to provide for the care and maintenance of indigent insane persons in private asylums within the State," approved June seventh, eighteen hundred eighty-seven, being compiler's section 1945*d*, of third Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows:

SEC. 4. The Board of State Auditors is hereby authorized to contract for the care and maintenance of State patients in private asylums at a rate *per capita* not exceeding the average cost *per capita* of the cost of the care and maintenance of patients in the State asylums: *Provided*, That no bill shall be allowed under any such contract, except upon the certificate of the State Board of Corrections and Charities that such insane persons have received proper treatment and care.

Board of State Auditors may contract for care of State patients in private asylums.

Approved April 17, 1895.

[No. 85.]

AN ACT to enable the townships, cities and villages of this State to use the Myers automatic ballot machine at all elections therein.

SECTION 1. *The People of the State of Michigan enact*, That by the unanimous vote of any township board of any organized township, or by a majority vote of the council of any village, or the common council of any city, within this State, upon the recommendation of five freeholders who are voters and not members of said township board, or city or village council, respectively, may, at any regular session or special meeting, determine upon, adopt and provide for the use of the Myers automatic ballot machine in any one or more voting precincts, in its respective or particular township, village or city, at all elections held therein; and thereupon such ballot machines shall be used for the purpose of voting for all public officers, to be elected by the voters of such township, village or city, or any part thereof, and upon all constitutional amendments, or propositions, or questions which may lawfully be submitted to such voters, and for registering and counting the ballots cast at such elections. But nothing in this section contained shall be construed as compelling the use of such ballot machines at an election of school officers in the school districts of any township or of a city or village at which no other public officer is to be elected: *Provided*, That the township board of any township may, in their discretion, submit at any regular township meeting to a vote of the electors the question of providing and ordering such voting machine.

Township, city or village may use Myers automatic ballot machine.

Provide as to township board.

SEC. 2. The following terms as used within this act shall be construed to mean as follows:

Definition of terms used in use of machine.

Cabinet.—The Myers automatic ballot machine as a whole.

& Cabinet.

Voters' compartment.	Voters' compartment.—That part of the ballot machine occupied by the voter in voting.
Counter compartment.	Counter compartment.—The closed portion of the ballot machine containing the automatic mechanical counters.
Counters.	Counters.—The registering dials in the counter compartment.
Public counter	Public counter.—The exposed dial at the front of the ballot machine which registers the total number of electors voting.
Partition plate.	Partition plate.—The metal partition dividing the voters' compartment from the counter compartment.
Push knobs.	Push knobs.—The knobs projecting from the partition plates into the voters' compartment and by which the elector registers his vote.
Keyboard.	Keyboard.—The face of the partition plate within the voters' compartment.
Ballot frames.	Ballot frames.—The metallic frames within which the ballots are secured upon the keyboard.
Ballots.	Ballots.—The tabulated lists of offices and nominees respectively therefor, or succinct statements of the constitutional amendments or other questions or propositions submitted, arranged vertically in pairs, successively captioned "for" and "against," printed on cardboard or heavy paper, and of dimensions, colors and type as herein specified to be placed within the ballot frames, posted at the polls and given to the inspectors as in this act prescribed.
Ballot captions.	Ballot captions.—The headings upon which are printed the name or other appropriate designation of the party or other nominees, constitutional amendments, questions or propositions submitted to be placed in a frame provided therefor, upon the keyboard above each vertical column of nominees, constitutional amendments, questions or propositions, and to correspond therewith in material and color.
Diagram poster.	Diagram poster.—A complete set of ballots and ballot captions forming a facsimile of those upon the keyboard and to be posted at the polls.
Counter labels.	Counter labels.—The cards or labels placed in receptacles upon the face of the respective counters attached to the back of the partition plate within the counter compartment having printed thereon the name of the nominee, or a statement of the amendment, question or proposition submitted, successively, following the words "for" and "against" placed directly opposite the corresponding name, amendment, question or proposition as it appears upon the face of the partition plate, within the voters' compartment and being of the same material and color as its said opposite.
Instruction cards.	Instruction cards.—The directions as to method and manner of voting and statement of the penal provisions relating to the election code, and to be posted at the polls.
Nominee.	The word "nominee," is to be construed to mean any person for whom an elector may vote at the election.

Township.—The word “township” as herein used shall be construed to mean such township as shall have adopted the Myers ballot machine as prescribed in section one. Township.

Village.—The word “village” as herein used shall be construed to mean such village as shall have adopted the Myers ballot machine as prescribed in section one. Village.

City.—The word “city” as herein used shall be construed to mean such city as shall have adopted the said ballot machine as prescribed in section one. City.

SEC. 3. Provisions for equipment of polling place.—The township board of each township, the council of each village, and the common council of each city, shall provide for each polling place where such voting machines have been ordered to be used, at each election, the necessary ballot machines in complete working order, with ballots, ballot captions, and counter labels in their proper places therein, and with each of the dials of the counters all set at nine, guard-rails, inspectors’ table, and other furniture and equipment of such polling place necessary for the lawful conduct of the election thereat and shall have in readiness each such polling place; put the inspectors of election in possession thereof, and deliver to them the keys of the ballot machine therein, at least thirty minutes before the opening of the polls at the election. The said board of each township, the council of each village and the common council of each city shall care for the ballot machine, furniture and equipment of the polling places when not in use at the elections. Provisions for equipment of polling place.

SEC. 4. Arrangement of the polling place.—The ballot machines at each polling place shall be so placed as to be at least three feet from the wall of the room and at least three feet from the outer guard-rail. There shall be two guard-rails, called the outer and inner rails. The outer rail shall be so placed as to bar access to within three feet or more of the ballot machine, with openings or gateways therein leading to and from the inspectors’ table, which shall be at least four feet from the ballot machines. The inner guard-rail shall extend to a point at or near the inspectors’ table from a fixture on the ballot machine placed between the entrance and exit doors. Such other guard-rails may be used as shall seem necessary or convenient. The ballot machine and every part of the polling place, except the interior of the ballot machine, shall be in plain view of the election officers and persons just outside the guard-rails. Who to care for ballot machine when not in use.

SEC. 5. Providing ballots.—The county clerk of the county shall provide, at the county’s expense, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place in such township, village or city, for each election to be held thereat, except township meetings and city and village elections and elections of school officers not held at the same time as the general election. If a city or village election or a Arrangement of polling place for use of machine.

County clerk to provide ballots, etc.,

In case of election at other times than regular, who to provide ballots, etc.

township meeting for the election of public officers shall be held upon a different day from a general election, the clerk of such city, village or township shall provide, at the expense of such city, village or township, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place. The ballots, ballot captions, counter labels and instruction cards shall be printed and in possession of the clerk charged with providing them and open to the public inspection four days before the election, except those for a village or city election or a township meeting held at a different day from the general election, shall be so printed, in possession and open to public inspection one day before such village or city election or township meeting.

Instruction cards, ballots, etc., to be cardboard or heavy paper.

SEC. 6. Description of ballot captions, ballots, counter labels and instruction cards.—Ballot captions shall be of cardboard or heavy paper, four inches long by three and three-fourths inches wide, and shall have printed thereon in plain, clear type, as large as the space will reasonably permit, the party or other appropriate designations of the nominees, amendments, questions or other propositions submitted. Ballots shall be of as many kinds as there are political parties or titles represented by certificates of nominations duly filed, or constitutional amendments, questions or other propositions submitted, and shall be of cardboard or heavy paper, three and five-eighths inches wide, spaced by cross lines one and eleven-sixteenths inches apart, between centers of lines, except the upper one

Number of ballots, also, etc.

Ballots to be printed in plain clear type.

should be thus spaced, four inches from the top and upon the ballot shall be printed in plain, clear type, not smaller than pica, the name of the office and under it the name of the candidate or nominee therefor in plain, clear type, known as great primer ionic, as large as the width of the ballot will permit, or a plain, concise statement of the amendment, question or proposition submitted under successive captions "for" and "against," with or without an index hand pointing (when placed in the ballot frame) to the push knob used when voting by that ballot. Counter labels shall be of cardboard, or heavy paper, three-eighths of an inch wide by three inches long, upon which shall be printed the name or other suitable designation of the nominee, amendment, question or other proposition submitted. Should any party fail to make a nomination for an office, the ballot in that party's column upon the keyboard on the horizontal line devoted to that office, shall be left blank and its push knob to the right and opposite thereto shall be capped so as to be inoperative. Should two or more parties nominate the same person for any office necessarily located on any of the group cross-lines on the key board, his name shall be printed upon the ballot of the party which shall first nominate him:

Counter labels to be of cardboard.

In case party fail to make nomination space to be left blank.

Provido as to choice of parties.

Provided, Such nominee, within two days after his second nomination, may by a written instrument acknowledged as

deeds are required to be acknowledged for record and filed with the county clerk of the county, designate which one of such political parties in whose column he desires his name to appear, and the county clerk shall prepare his ballot for that party; and the ballots of the other party or parties which shall have nominated him shall be left blank for that office, and the corresponding push knob or push knobs to the right of and opposite thereto shall be capped so as to be inoperative. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot. If, in any congressional district, one congressman is to be elected for a full term and another to fill a vacancy, the ballot containing the name of each nominee shall designate the congress for which he is nominated. The ballot captions, ballots and counter labels of the several political parties or other nominating bodies, and the ballots for and against constitutional amendments or other propositions or questions shall be distinguished from each other by distinctive colors; and so far as is possible, the colors to be used to distinguish the candidates of the different political parties or other nominating bodies shall be those prescribed by the present usage of those townships in which such ballot machines have heretofore been used. The instruction cards shall state the prescribed colors of the party ballots and other ballots, and ballot captions, and give a summary of the laws punishing violations of the election law, with such other information as shall seem pertinent and advisable.

In case two or more officers for the same office, how designated.

Ballots to be distinguished by color.

SEC. 7. Number of ballot captions, ballots, counter labels, and instruction cards.—Four ballots of each kind shall be provided for each polling place. Four instruction cards printed in English and four printed in such other language or languages as shall be prescribed by the board of supervisors of the county, shall be provided for each polling place. They shall be printed in clear type so as to be easily read. Four complete sets of ballot captions and two complete sets of counter labels shall also be provided for each polling place.

Number of ballots provided at each polling place.

Instruction cards to be printed in different languages.

SEC. 8. Correction of mistakes.—Upon affidavit presented by any voter that an error or an omission has occurred in the printing of the ballots, ballot captions or counter labels, the judge of the circuit within which the voting precinct is located thereof may make an order requiring the county clerk or other officer or board charged with the duty in respect to which such error or omission occurred to correct such error or show cause why it should not be corrected. The county clerk or other officer or board shall, on their own motion, correct any palpable error in the ballots, ballot captions, counter labels or instruction cards which can be corrected without interfering with their timely distribution.

In case of errors, how corrected.

When county clerk may correct errors.

County clerk
to distribute
ballots.

To be in sealed
packages.

Township, city
and village clerk
to deliver un-
opened packages
to inspectors of
election and take
receipt for same.

Receipt to be
filed in office of
county clerk.

City, village and
township clerks
to deliver ballots
and take receipts
for same.

In case of lost
ballots, who may
replace.

When inspectors
may correct
errors.

SEC. 9. Distribution of ballots.—The county clerk or election commission, as the case may be, charged with the duty of providing ballots, ballot captions, counter labels and instruction cards shall, on Saturday before the election in which they are to be used, deliver to the clerk of each township and to the clerk of each city or village in the county, the ballots, ballot captions, counter labels, and instruction cards required for each polling place in such township, village or city. They shall be so delivered in two equal and similar sealed packages for each election district, each marked upon the outside thereof with the designation of the election district for which it is intended. Receipts, specifying the number and kind of packages, shall be given by each township, village and city clerk and filed with the county clerk, who shall keep a record thereof, specifying the time and manner of the delivery. Each township, village and city clerk receiving such packages shall cause one of them to be delivered unopened and with its seals unbroken to the inspectors of the election district marked thereon, at least thirty minutes before the opening of the polls, and shall take a receipt from such inspectors, specifying and describing the package, which receipt shall be filed in the office of such clerk; from the contents of the other package he shall, not later than the day preceding the election, place or cause to be placed in the proper receptacles in each ballot machine the ballot captions, ballots and counter labels in the order as officially published, and shall post instruction cards and diagram posters within the polling room, accessible to voters, and set each dial of all labeled counters at nine. City, village and township clerks charged with the duty of providing ballots, ballot captions, counter labels and instruction cards shall in like manner, distribute them and take receipts therefor within their respective cities, villages and townships. Such receipts shall be filed in the respective offices of the city, village and township clerks.

SEC. 10. Lost ballots.—If the ballots, ballot captions, counter labels or instruction cards shall not be furnished to the township, village or city clerk as required herein, or if after being furnished and delivered they, or any of them, shall be lost, destroyed or stolen, the clerk of such township, village or city shall cause other ballots as nearly in the form as those lost, destroyed or stolen, as possible, captions, counter labels or instruction cards to be prepared, and deliver them to the inspectors of election in their several election districts, and the substituted ballots, ballot captions, counter labels or instruction cards shall be used at the election in the same manner as near as may be, as those lost, destroyed or stolen. The inspectors may correct palpable errors therein and shall, in their statement of the election, specify such corrections as made by them.

SEC. 11. Preparation for voting.—The inspectors of election, who shall be members of different political parties, and the poll clerks shall meet at their respective polling places in each election district thirty minutes before the time of the opening of the polls therein. The inspectors shall choose one of their number chairman, if not already so chosen and present. They shall there have the ballots, ballot captions, counter labels and instruction cards, and shall break the package thereof, make and post conspicuously, and so as to be accessible, one or more diagram posters, two or more instruction cards, and, if they shall be printed in different languages, at least two in each such language at said polling place. The diagram posters and instruction cards so posted shall not be taken down, torn, defaced or mutilated at such elections. The chairman shall retain one complete set of ballots, ballot captions and counter labels for use within the ballot machine, if needed. The inspectors shall then enter the voters' compartment of the ballot machine through the entrance door, and, if not already done, the chairman shall, in the presence of the inspectors, adjust and secure within the frames upon the keyboard the ballot captions and ballots in the vertical numbered columns and to the left side of the push knobs of the same color as the ballots, and arranged in the same order as on the diagram posters. The chairman shall then, in an audible voice, read from the said columns consecutively, beginning with the column number one, the caption and the ballots thereunder, in the order that they appear on the keyboard. The inspectors shall see that all the names of the nominees for the same office appear and remain on the same horizontal lines, and that the ballots upon constitutional amendments, or other questions or propositions submitted, are arranged in pairs, successively captioned "for" and "against." The chairman shall then look the bolt rod behind the lock button at the left side of the keyboard. The inspectors shall then leave the voters' compartment through the entrance door, and the authorized watchers or challengers may then inspect the interior of the voters' compartment likewise entering and departing through the entrance door, which shall thereupon be closed and locked by the chairman. The chairman shall then fully open the sliding doors of the counter compartment, in the presence of the inspectors and watchers, or challengers, and, if not already so done, set each dial of every labeled counter at nine, and announce that every such dial is so set. The chairman shall then direct the two other inspectors to enter the voters' compartment, push in the push knob of the uppermost ballot in column number one, and read aloud said ballot, whereupon the chairman shall insert in the receptacle of the counter thus indicated its counter label, if not already inserted, and audibly repeat the name, and, in substance, say his counter is labeled and that all its dials

Meeting of inspectors of election.

Chairman.

Diagram posters and instruction cards to be posted.

Machine to be adjusted in presence of election inspectors.

Chairman to read names in columns consecutively.

Bolt rod to be locked by chairman.

Chairman to open sliding doors of counter department in presence of inspectors.

Dials to be set at zero.

are set at zero. They shall thus continue until all the push knobs in column number one have been pushed in. One of the inspectors shall then go out through the exit door, thus releasing the push knobs. The inspectors shall then re-enter the ballot machine, and they shall proceed with the remaining columns in all respects as with column number one. The two inspectors shall then leave the voters' compartment simultaneously, one going out through the exit door, the other through the entrance door. They shall all then see that the counter labels are in the same relative position opposite their respective ballots, and that all the dials stand at zero. The chairman shall adjust the public counter at zero. The counter compartment shall then be locked.

The public counter to be set at zero.

Duties of inspectors.

SEC. 12. Duties of inspectors.—During the time that the polls are open the chairman, or one of the inspectors shall be stationed at the entrance door of the ballot machine to act as doorkeeper.

Manner of voting.

SEC. 13. Voting.—The polls being open, the voters shall pass through the opening in the outer guard-rail singly or in single file, and keeping in file, proceed to the inspectors' table. If the voter shall be found to be entitled to vote, the doorkeeper shall admit him to the ballot machine through the entrance door, which shall be immediately closed and kept closed until said voter shall have come out through the exit door, and said exit door is entirely closed. The voter may be challenged at any time before he enters the ballot machine.

Challenge of voter.

Disabled voters to be assisted.

SEC. 14. Disabled voters.—Any voter who shall be totally blind, or without the use of either hand sufficient to push the knobs or physically unable to enter or leave the ballot machine without assistance, shall be assisted as now provided by law. The person so selected shall not, in any manner, request or seek to persuade or induce such voter to vote any particular ballot or for any particular nominee, amendment, question or proposition, and shall not reveal how such disabled voter voted, or what occurred within the ballot machine. After voting, one shall come from the ballot machine through the entrance door first, the others through the exit door last. The name of the assistant shall be noted on the registers and poll lists, opposite the name of the disabled voter and also the character of the disability. Such physically disabled voter may be examined under oath administered by any inspector as to his disability, and if he knowingly testify falsely, he shall be guilty of perjury and punishable therefor.

Person assisting voter not to persuade voter in any manner.

Name of assistant to be noted on register.

Voter may be examined under oath as to disability.

Time voter may remain in voting compartment.

SEC. 15. Time of voting.—No voter shall remain within the ballot machine longer than one minute. If he do so, he shall be requested to leave the ballot machine, and if he refuse, he shall be removed, and the inspectors may call for such aid as shall be needed so to do.

Instructing voter within ballot machine.

SEC. 16. Instructing voter within the ballot machine.—In case any voter within the ballot machine shall ask the

doorkeeper any question concerning the manner of voting, the doorkeeper shall summon another inspector or challenger of a party other than his own, and the question shall then be answered in the presence of both such inspectors or challengers; but under no circumstances shall advice be given as to how or for whom the voter shall vote.

SEC. 17. Canvassing the vote.—As soon as the polls are closed, the entrance door of the ballot machine shall be locked. The inspectors shall then, in the presence of the watchers or challengers, unlock and open the sliding doors of the counter compartment, only so far as to fully expose the full width of the wire-meshed guard door. The chairman shall read or announce, reading from left to right, the result in an audible voice to the others, as shown by the dials, and they shall each and all observe and record the total number of votes registered for each respective candidate and upon each constitutional amendment, question, or other proposition as registered and declared by such ballot machine register, and such ascertainment of the results shall be deemed to be the canvassing of the votes cast at such election. The wire-meshed guard door shall not be unlocked or opened at any time during the canvass. They shall then close and lock the counter compartment doors and shall observe and record the total number of voters who have voted in the ballot machine by transcribing the number shown by the dials of the public counter.

SEC. 18. Certified statement.—Upon the completion of the canvass, the inspectors shall make and sign a written statement thereof, showing the date of the election, number of the district, the town or ward and the county in which it was held, the whole number of votes cast for each office, the whole number cast for each nominee for such office and the whole number cast, respectively, for and against each constitutional amendment, question, or other proposition submitted. Copies shall be made and filed and proclamation of the result of the election made as now required by the election law.

SEC. 19. Ballot clerks.—No ballot clerks shall be elected or appointed in any township, village or city that shall have adopted the use of the ballot machine.

SEC. 20. Election law.—The provisions of the election law, not inconsistent with this chapter shall apply with full force to all townships, villages and cities adopting the use of the ballot machine.

SEC. 21. Additional ballot machines.—Nothing herein contained shall prevent the use of more than one ballot machine in any polling place during an election.

SEC. 22. Mistakes and omissions.—A departure in matters of form or method from those prescribed herein not tending to prejudice the substantial rights of the voter, shall be disregarded, and the provisions of this chapter

Manner of canvassing the vote.

Chairman to announce the result.

Certain door to remain locked during canvass.

Inspectors to make certified statement of votes cast.

Copies to be made and filed as to the result.

No ballot clerk to be elected or appointed.

Provisions as to general election law.

Additional ballot machines.

Mistakes and omissions.

Proviso as to
annulment of
prior order or
resolution rela-
tive to vote
recorder.

shall be liberally construed to effect the objects of the law: *Provided*, That the township board of any township, common council of any city, or village board of any village in this State, may, at any time, by resolution, order or vote, annul any prior resolution, order or vote passed thereby, in any way relating to said vote recorder or recorders, or any other vote recorder or voting machine whatsoever, and by said annulment put a stop, after fifteen days from said annulment, to the further use of said recorders or machines within the limits of the township, city or village whose board or council shall have made said annulment.

This act is ordered to take immediate effect.

Approved April 18, 1895.

[No. 86.]

AN ACT to amend section two of chapter one hundred thirty-eight of the revised statutes of eighteen hundred forty-six relative to writs of error and *certiorari*, being section eighty-six hundred seventy-nine of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter one hundred thirty-eight of the revised statutes of eighteen hundred forty-six relative to writs of error and *certiorari*, being section eighty-six hundred seventy-nine of Howell's annotated statutes, be amended so as to read as follows:

Not to stay pro-
ceedings unless
bond given.

SEC. 2. No writ of error shall operate to stay or supersede the execution in any civil action, unless the plaintiff in error, with two sufficient sureties, or three sufficient sureties without the plaintiff in error, shall give bond to the defendant in error, with condition that the plaintiff in error shall prosecute his writ to effect, and shall pay and satisfy such judgment as shall be rendered against him thereon: *And provided*, That where such judgment is rendered in an action to recover the possession of lands, brought under the provisions of chapter one hundred twenty-three of the revised statutes of eighteen hundred forty-six, the same being chapter two hundred eighty-six of Howell's annotated statutes, if the writ of error be sued out by the defendant in said action, said bond shall be in a penalty not less than twice the amount of the annual rental of the premises in dispute, and shall also in addition to the foregoing conditions contain a further condition, that if the complainant obtain restitution of said premises in said suit, the said defendant will forthwith pay all rent due or to become due, or the rental value thereof during the time the same has been detained by the defendant to the complainant for

Proviso as to
judgment ren-
dered.

Amount of bond
required.

the premises described in the complaint, up to the time said complainant shall obtain possession thereof, together with the costs of suit in prosecuting said complaint, and obtaining restitution of said premises; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section eighty-three hundred six of Howell's annotated statutes.

This act is ordered to take immediate effect.

Approved April 22, 1895.

[No. 87.]

AN ACT to amend section four of act number two hundred seventy-six of the public acts of eighteen hundred eighty-seven, entitled "An act to require security to be given on staying proceedings upon verdicts and judgments in the circuit courts of this State," approved June twenty-seventh, eighteen hundred eighty-seven, as added by act number one hundred fourteen of the public acts of eighteen hundred eighty-nine, the same being section seventy-six hundred twenty-one *f* of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section four of act number two hundred seventy-six of the public acts of eighteen hundred eighty-seven, entitled "An act to require security to be given on staying proceedings upon verdicts and judgments in the circuit courts of this State," approved June twenty-seventh, eighteen hundred eighty-seven, as added by act number one hundred fourteen of the public acts of eighteen hundred eighty-nine, the same being section seventy-six hundred twenty-one *f* of Howell's annotated statutes, be and the same is amended so as to read as follows:

SEC. 4. No further or other bond shall be required to stay and supersede execution upon any writ of error issued out of the supreme court of this State by or on behalf of the party filing the bond mentioned and required in section one of this act: *Provided,* That where the judgment of the circuit court is against the defendant in an action to recover possession of lands, brought under chapter one hundred twenty-three of the revised statutes of eighteen hundred forty-six, the same being chapter two hundred eighty-six of Howell's annotated statutes, the penalty of said bond shall be not less than double the amount of the annual rental value of said premises and with a further condition, that if complainant obtain restitution of the premises in said suit, the said defendant will forthwith pay all rent due or to become due, or the rental value thereof, during the time the same has been retained by the defendant, to the complain- No further bond required to stay and supersede execution upon writ of error, issued out of supreme court.

ant for the premises described in the complaint, up to the time said complainant shall obtain possession thereof; together with the costs of suit in prosecuting said complaint and obtaining restitution of said premises; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section eighty-three hundred six of Howell's annotated statutes.

Approved April 22, 1895.

[No. 88.]

AN ACT to provide for the incorporation of mutual insurance companies to insure against loss by breakage of plate glass, and defining their powers and duties.

Incorporation of mutual insurance plate glass companies.

SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than fifteen, may associate together and form an incorporated company, for the purpose of mutual insurance of plate glass belonging to its members against loss by breakage as the charters and by-laws of said companies may provide.

Articles of incorporation to be filed with commissioner of insurance.

SEC. 2. Such persons, so associating, shall file in the office of Commissioner of Insurance, a statement signed by all the incorporators, stating their purpose of forming a company for the transaction of the business of insurance, as expressed in the first section of this act, which statement shall also comprise a copy of the charter proposed to be adopted by them.

After filing articles of association may open books and receive propositions as to insurance.

SEC. 3. The persons so associating, after having filed their statement, may open books to receive propositions and enter into agreements, in the manner hereinafter specified; but no company organized under this act shall do any business, or take any risks or make any insurance, in a less territory than this State. No insurance company organized as aforesaid shall commence business until *bona fide* agreements have been entered into for insurance with at least fifty individuals, covering property to be insured to the amount of not less than five thousand dollars.

Number and amount required before company commence business.

SEC. 4. No company formed under this act shall purchase or hold any real estate except:

Amount of real estate that company may purchase or hold. Such property as necessary to conduct its business. Mortgaged property in way of security.

First, Such as shall be necessary for its immediate accommodation in transacting business; or

Second, Such as shall have been conveyed or mortgaged to the company in good faith by way of securities for debt; or

Conveyed property for debt.

Third, Such as shall have been conveyed to the company in satisfaction for debt; or

Property at sales on judgments, etc.

Fourth, Such as shall have been purchased at sales upon judgments, decrees or mortgages, in favor of such

company, or held or owned by it; and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company, unless the company shall procure a certificate from the Commissioner of Insurance that the interests of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the Commissioner of Insurance shall direct in said certificate, not to exceed ten years in all.

Property to be disposed of within five years.

Commissioner of Insurance may postpone sale of property.

SEC. 5. In addition to the foregoing provisions, it shall be the duty of the corporators of any company organized under the provisions of this act, to declare in the charter, which is hereby required to be filed, the mode and manner in which the corporate powers, given under and by virtue of this act, are to be exercised, the mode and manner of electing trustees, or directors, who shall be citizens of this State, the filling of vacancies, the period for the commencement and termination of its fiscal year, and may prescribe therein the liabilities of its members to be assessed towards defraying the losses and expenses of the company, and the mode and manner of collecting such assessments.

Mode and manner of electing trustees to be specified in charter.

SEC. 6. The charter thus to be filed by the corporation shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act he shall certify the same to the Commissioner of Insurance, and said commissioner may appoint three disinterested persons, who shall be residents of this State, who shall certify under oath that said corporation has received and is in actual possession of the premiums or engagements of insurance, as the case may be, to the full extent required in this act: *Provided, however,* The Commissioner of Insurance may make such examination personally or by his deputy. Copies of such certificate shall be filed in the office of Commissioner of Insurance, whose duty it shall then be to furnish such corporation with a certified copy of the charter and certificate aforesaid, which shall be their authority to commence business and issue policies, and the same may be used as evidence for or against such corporation.

When charter filed to be examined by Attorney General.

Provide as to commissioner of insurance. Copies of certificates to be filed with commissioner of insurance.

SEC. 7. The corporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs.

Trustees or directors shall have power to make by-laws.

SEC. 8. Any company formed under this act shall conform, in all respects, and be governed by chapter one hundred and thirty-two of Howell's annotated statutes, except where the same is inconsistent herewith.

Companies formed under this act to be governed by the mutual fire insurance law.

This act is ordered to take immediate effect.

Approved April 22, 1895.

[No. 89.]

AN ACT to amend section three of act number fifty-six of the public acts of eighteen hundred eighty-nine, entitled "An act providing for the employment, defining the duties, and fixing the compensation of a stenographer for the eighth judicial circuit, State of Michigan, and to provide for the collection and disposition of stenographer's fee," approved April twenty-third, eighteen hundred and eighty-nine, the same being compiler's section sixty-five twenty-two g 5 of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number fifty-six of the public acts of eighteen hundred and eighty-nine, entitled "An act to provide for the employment, defining the duties, and fixing the compensation of a stenographer for the eighth judicial circuit, State of Michigan, and to provide for the collection and disposition of the stenographer's fee," approved April twenty-third, eighteen hundred eighty-nine, the same being compiler's section sixty-five twenty-two g 5 of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Residence of
circuit court
stenographer.
Officer of the
court.

SEC. 3. Said stenographer shall reside at the county seat of the county in which the judge of said judicial circuit shall have his place of residence. Said stenographer shall be deemed an officer of the court, and it shall be his or her duty to attend said court at each term, and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of twelve hundred dollars per annum, which said sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts for such counties, respectively, the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and notification of the circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Compensation,
how paid.

Judge to apportion
amount of
salary to each
county.

Approved April 24, 1895.

[No. 90.]

AN ACT to provide for the maintenance of discipline and for the better government of the Michigan Soldiers' Home and the Home for the Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers.

SECTION 1. *The People of the State of Michigan enact,* Who to be officers of Michigan Soldiers' Home.
That the officers of the Michigan Soldiers' Home and the Home for the Soldiers, Sailors and Marines who served in the late civil war, their wives and mothers, shall consist of a commandant, with the military rank of colonel; an adjutant with the military rank of major; a surgeon with the military rank of major; a quartermaster with the military rank of captain, and such non-commissioned officers as the commandant may from time to time appoint.

SEC. 2. It shall be the duty of the commandant to provide some suitable place within said home wherein disobedient or otherwise disorderly persons can be restrained, and the said commandant or such other officer as may be temporarily in command may place in restraint any disobedient or otherwise disorderly person, until such person can be brought before the proper judicial tribunal, or until the necessity for such restraint shall have passed away: *Provided,* No person shall be so restrained more than forty-eight hours. Duty of commandant relative to disorderly persons.

SEC. 3. It shall be the duty of such commandant to make a detailed written report of every case in which said restraint shall have been resorted to, to the board of managers of the home at the next meeting of the board after such action shall have been taken. Commandant to make written report of persons restrained to board of managers.

SEC. 4. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 24, 1895.

[No. 91.]

AN ACT to amend act number one hundred eighty-two of the public acts of eighteen hundred ninety-one, entitled "An act to provide for the payment of a franchise fee by corporations," as amended by act number seventy-nine of the public acts of eighteen hundred ninety-three, by adding a new section thereto to stand as section four.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That act number one hundred and eighty-two of the public acts of eighteen hundred ninety-one, entitled "An act to

provide for the payment of a franchise fee by corporations," be and the same is hereby amended by the addition of a new section to stand as section four, and to read as follows:

Corporations
renewing cor-
porate existence
required to pay
franchise fee.

SEC. 4. All corporations whose term of corporate existence, as fixed by their articles of association, shall have expired or shall be about to expire by limitation, and who shall renew such corporate existence, in accordance with law, shall, for the purpose contemplated by this act, be treated and regarded as new corporations, and shall be required to pay the fee provided by this act.

This act is ordered to take immediate effect.

Approved April 24, 1895.

[No. 92.]

AN ACT making an appropriation for the Michigan School for the Blind for the years eighteen hundred ninety-five and eighteen hundred ninety-six.

Appropriation
for School for
the Blind.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated from the general fund the sum of twenty-two thousand dollars for current expenses for the year eighteen hundred ninety-five and the further sum of twenty-five hundred dollars to be used in the plumbing of said institution [and] any money remaining, if any, to be applied on temporary repairs to the heating apparatus of said institution. There is also appropriated the further sum of five hundred dollars to be expended in building a cistern of a capacity of not less than one thousand barrels. The further sum of twenty-two thousand dollars is hereby appropriated for the current expenses of said institution for the year eighteen hundred ninety-six.

Further
appropriations.

Auditor General
to incorporate
amount in State
tax.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred ninety-five the sum of twenty-five thousand dollars, and for the year eighteen hundred ninety-six the sum of twenty-two thousand dollars, which sums when collected shall be placed to the credit of the general fund to reimburse it for the sums appropriated by this act.

This act is ordered to take immediate effect.

Approved April 25, 1895.

[No. 93.]

AN ACT to amend section one of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act."

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one, of an act entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous or intoxicating liquors and malt, brewed or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved June twenty-eight, eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. That in all townships, cities and villages of this State, there shall be paid annually the following tax Annual liquor tax. upon the business of manufacturing, selling or keeping for sale by all persons whose business, in whole or in part, consists in selling or keeping for sale, or manufacturing, distilled or brewed or malt liquors or mixed liquors, as follows: Upon the business of selling or offering for sale spirituous or intoxicating liquors, or mixed liquors by retail, Amount of tax for retailers. or any mixture or compound, except proprietary patent medicines, which in whole or in part consist of spirituous or intoxicating liquors, and any malt, brewed or fermented liquors, five hundred dollars per annum; upon the business of selling only brewed or malt liquors, at wholesale, or retail, or at wholesale and retail, five hundred dollars per annum; upon the business of selling spirituous or intoxicating liquors at wholesale, five hundred dollars; or at wholesale and retail, eight hundred dollars per annum; upon the business of manufacturing brewed or malt liquors for sale, sixty-five dollars per annum; upon the business of manufacturing for sale spirituous or intoxicating liquors, eight hundred dollars per annum. No person paying a retailer's tax on spirituous or intoxicating liquors, or brewed or malt liquors, under this act, shall be liable to pay any tax on the sale of malt, brewed or fermented liquors. No person paying a manufacturer's tax on brewed or malt liquors under this act shall be liable to pay a wholesale dealer's tax on the same. For wholesale and retail.

This act is ordered to take immediate effect.

Approved April 25, 1895.

[No. 94.]

AN ACT to amend section seven of act number one hundred fifteen of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government, management and control of the State Public School at Coldwater, and to repeal all acts or parts of acts inconsistent with this act.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section seven of act number one hundred fifteen of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government, management and control of the State Public School at Coldwater, and to repeal all acts or parts of acts inconsistent with this act," be and the same is hereby amended so as to read as follows:

School to receive all children committed.

Expense of transportation.

Application of act.

Proviso as to endorsement by supervisor.

Duty of superintendents of poor.

SEC. 7. The State Public School shall receive all children committed to it pursuant to this act; and it shall be unlawful for the superintendents of the poor to retain and support in their county any child admissible by law to said institution. The expense of transportation of children to said school, pursuant to law, and that of returning them to their counties after their admission by said board as improper inmates of said school, shall be audited by the Board of State Auditors and paid from the general fund. This act shall in all respects apply to children under two years of age who are of sound mind and body and who shall be declared to be dependent on the public for support, as provided in this act: *Provided,* That the superintendent of said school, being authorized by resolution of said board, shall endorse on the petition of the superintendents of the poor herein provided for, his certificate showing that there is room in the institution for the admission of the child, and that provision has been made for its support while therein. In those counties in which the distinction between township and county poor is maintained, it shall be the duty of the superintendents of the poor of such counties, on the written request of the supervisor of any such township, to act for such township in securing the admission of dependent children to said school, and in all respects as though such children were supported by the county.

Approved April 26, 1895.

[No. 95.]

AN ACT to provide for the compulsory education of children, for the punishment of truancy, and to repeal all acts or parts of acts conflicting with the provisions of the same.

SECTION 1. *The People of the State of Michigan enact,* That every parent, guardian or other person in the State of Michigan having control and charge of any child or children between the ages of eight and fourteen years and in cities between the ages of seven and sixteen years, shall be required to send such child or children to the public school for a period of at least four months in each school year, except that in cities having a duly constituted police force, the attendance at school shall not be limited to four months, beginning on the first Monday of the first term commencing in his or her district after September first, eighteen hundred and ninety-five, and of each year thereafter. Such attendance shall be consecutive and each and every pupil between the ages specified shall have attended school the entire four months previous to the thirtieth day of June in each school year: *Provided,* If it be shown that such child or children are being taught in a private school in such branches as are usually taught in the public schools, or have already acquired the ordinary branches of learning taught in public schools, or if the person or persons in parental relation to such child or children present a written statement that such child or children are physically unable to attend school, the truant officer or district board may employ a reputable physician to examine such child or children, and if such physician shall certify that such child or children are physically unable to attend school, such child or children shall be exempt from the provisions of this act: *And further provided,* In case a public school shall not be taught for four months during the time specified, within two miles by the nearest traveled road, of the residence of any person within the school district, he or she shall not be liable to the provisions of this act.

Compulsory education of children under certain age.

Proviso as to children taught in private schools.

Truant officer to employ physician to examine children unable to attend school.

SEC. 2. The district board or board of education in each school district in the State which has been organized as a graded school district, or as a township district according to the laws of the State, shall, at its first meeting, after this law goes into effect, and previous to the tenth day of September of each year, appoint a truant officer for the term of one year from and after the first Monday of September of each year. In townships whose districts have been organized under the primary school law, the chairman of the township board of school inspectors shall be the truant officer and shall perform all the duties of truant officer, as provided for in this act, so far as the provisions of this law applies to the territory over which he has juris-

District board to appoint truant officer.

In townships, who to be truant officers.

Provide as to cities having organized police force.

Compensation of truant officers.

Duties of truant officers.

Notice of truant officer to parent or guardian.

When parent or guardian guilty of a misdemeanor.

Where ungraded school districts may be established for the instruction of certain children.

Who deemed juvenile disorderly persons.

To be classified into three classes.

diction: *Provided*, That in cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authorities, to detail one or more members of said force to perform the duties of truant officer. The compensation of the truant officer shall be fixed in graded school districts by the board which appoints, and in townships by the township board and in no case shall such compensation be less than one dollar and fifty cents per day for time actually employed under direction of the school board in performance of his official duties. The compensation of truant officers shall be allowed and paid in the same manner as incidental expenses are paid by such boards.

SEC. 3. It shall be the duty of the truant officer to investigate all cases of truancy or non-attendance at school and render all service within his power to compel children to attend school and when informed of continued non-attendance by any teacher or resident of the school district he shall immediately notify the persons having control of such children that, on the following Monday, such children shall present themselves with the necessary text books for instruction in the proper school or schools of the district. The notice shall inform said parent or guardian that attendance at school must be consecutive at least eight half days of each week until the end of that term, except in cities having a duly constituted police force, attendance in school shall be continuous. In case any parent, guardian or other person shall fail to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor and shall, on conviction, be liable to a fine of not less than five dollars, nor more than fifty dollars, or by imprisonment in the county or city jail for not less than two nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 4. In all city school districts in this State having a school census of five hundred or more pupils, the school board or officers having in charge the schools of such districts may establish one or more ungraded schools for the instruction of certain children, as defined and set forth in the following section. They may, through their truant officer and superintendent of schools, require such children to attend said ungraded schools, or any department of their graded schools, as said board of education may direct.

SEC. 5. The following classes of persons between the ages of eight and fourteen years, and in cities between the ages of seven and sixteen years, shall be deemed juvenile disorderly persons, and shall, in the judgment of the proper school authorities, be assigned to the ungraded school or schools as provided in section four of this act: Class one, habitual truants from any school in which they are enrolled as pupils; class two, children who, while attending any school, are incorrigibly turbulent, disobedient or insubordinate or are vicious or immoral in conduct; class

three, children who are not attending any school and who habitually frequent streets and other public places, having no lawful business, employment or occupation.

SEC. 6. It shall be the duty of the truant officer, in case of a violation of this law, within one week after having given the notice to the parent or guardians as specified in section three, to make a complaint against said parent, guardian or other person having the legal charge and control of such child, before a justice of the peace in the city, village or township where the party resides, except in cities having recorder's or police court, for such refusal or neglect; and said justice of the peace, police judge, or recorder's court shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished according to provisions of section three of this act. It shall be the duty of all school officers, superintendents or teachers, to render such assistance and furnish such information as they have at their command, to aid said truant officer in the fulfillment of his official duties.

Truant officer to make complaint against parent or guardian for neglect of duty.

Penalty upon conviction.

SEC. 7. When, in the judgment of school boards of primary and township school districts or the superintendent of city schools and the truant officer, it becomes certain that all legal means have been exhausted in their attempts to compel the attendance at school of a juvenile disorderly person, the truant officer shall, in case the person in parental relation to the child neglects or refuses to do so, make a complaint against such juvenile disorderly person before a court of competent jurisdiction that said child is a juvenile disorderly person as described in section five of this act. The justice of the peace or court shall issue a warrant and proceed to hear such complaint; and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said justice of the peace or court shall thereupon, and after consultation with the county agent of corrections and charities, sentence such child, if a boy, to the Industrial School for Boys at Lansing for a term not extending beyond the time when said child shall arrive at the age of seventeen years unless sooner discharged by the board of control of said Industrial School for Boys; or, if a girl, to the Industrial Home for Girls at Adrian, for a term not extending beyond the time when said child shall arrive at the age of seventeen years, unless sooner discharged by the board of control of said Industrial Home for Girls: *Provided, however*, That such sentence shall, in case of the first offense, be suspended.

When complaint to be made against juvenile disorderly persons.

Justice of the peace to issue warrant.

Boys to be committed to Industrial School for Boys.

Girls to Industrial Home for Girls.

Proviso as to first offense.

SEC. 8. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Repealing clause.

Approved April 26, 1895.

[No. 96.]

AN ACT to amend act number one hundred and forty-nine of the public acts of the State of Michigan for the year eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having the charge thereof," by amending section ten of said act and adding another section thereto, to be known as section twenty-five.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That section ten of act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, be amended so as to read as follows, and the following section be added to said act as section twenty-five:

Not to be pecuniarily interested in contract.

SEC. 10. Neither the clerk nor any member of the board of county road commissioners shall, directly or indirectly, either personally or as a member of any firm or stockholder in any corporation, be pecuniarily interested as contractor or employé in any contract entered into or work carried on by or for such board, or in property purchased or sold by or for such board: *Provided, however,* That this section shall not be construed to prevent the purchase of land for a road, from a member of the board or the clerk thereof. Said board of commissioners may employ such superintendents, engineers, servants and laborers, and purchase such machines, tools, appliances and materials as shall in their judgment be necessary or convenient for the proper carrying on of their work.

Accounts of money received and disbursed.

SEC. 25. Accurate accounts shall be kept under the direction of the board of all money received and disbursed by it, and a full statement thereof, together with a complete statement in detail, of all work done, right of way acquired, and road constructed by said board made to the board of supervisors of the county at its annual meeting each year. The accounts of said board of county road commissioners shall be reported to and audited by the board of supervisors at each meeting thereof.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[No. 97.]

AN ACT to amend section fifteen of chapter thirty-five of the revised statutes of eighteen hundred forty-six, relative to the preservation of the public health, quarantine, nuisances and offensive trades, being section sixteen hundred forty-seven of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section fifteen of chapter thirty-five of the revised

statutes of eighteen hundred forty-six, relative to the preservation of the public health, quarantine, nuisances and offensive trades, being section sixteen hundred forty-seven of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

[1647.] SEC. 15. When any person coming from abroad or residing in any township within this State, shall be infected, or shall lately before have been infected with the small-pox, or other sickness dangerous to the public health, the board of health of the township where such person may be, shall make effectual provision in the manner in which they shall judge best for the safety of the inhabitants by removing such sick or infected person to a separate house, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself, his parents or other persons who may be liable for his support, if able; otherwise, as a charge of the county to which he belongs: *Provided*, That the health board shall keep and render an itemized and separate statement of expenses incurred in so caring for each person.

Board to make provision to prevent spread of smallpox.

To keep and render itemized expense account.

Approved April 26, 1895.

[No. 98.]

AN ACT to amend section five of chapter seventy-five of the revised statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estate of intestates," as amended by subsequent acts, being section five thousand eight hundred and fifty-one of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter seventy of the revised statutes of eighteen hundred forty-six, entitled "Of the administration and distribution of the estate of intestates," as amended by subsequent acts, being section five thousand eight hundred fifty-one of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Section amended.

[§ 5851.] SEC. 5. When there shall be a delay in granting letters testamentary or of administration occasioned by an appeal from the allowance or disallowance of a will or from any other cause, the judge of probate may, after such notice as he may direct, or without notice in his discretion, appoint a special administrator to act in collecting and taking charge of the estate of the deceased until the question on the allowance of the will, or such other question as shall occasion the delay, shall be terminated, and an executor or administrator be thereupon appointed; and no appeal shall be allowed from the appointment of such special administrator.

When special administrator may be appointed.

To act until executor or administrator is appointed.

Approved April 26, 1895.

[No. 99.]

AN ACT to amend sections six and seven of act number one hundred fifty-six of the session laws of eighteen hundred seventy-three, entitled "An act to provide for the incorporation of State, county or municipal, historical, biographical and geographical societies," approved April twenty-fifth, eighteen hundred seventy-three, being sections four thousand four hundred twenty-seven and four thousand four hundred twenty-eight of Howell's annotated statutes; and to add one new section thereto to stand as section eight in the original act, and as forty-four twenty-eight *a* of Howell's annotated statutes.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections six and seven of act number one hundred fifty-six of the session laws of eighteen hundred seventy-three, entitled "An act to provide for the incorporation of State, county or municipal, historical, biographical and geographical societies," approved April twenty-fifth, eighteen hundred seventy-three, being sections four thousand four hundred twenty-seven and four thousand four hundred twenty-eight of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

Duty of secretary
of society if State
association be
organized.

SEC. 6. Should a State association be organized under this act, it shall be the duty of the secretary of said State society to transmit to the State librarian every published printed report of the transactions of said society, including copies of papers read at its meetings or contributed by its members, of facts collected by correspondence or otherwise within thirty days after the same shall be published.

Association re-
quired to report
to State
association.

SEC. 7. District, county, town, city or village associations organized under this act shall, within thirty days after their transactions are printed and published, transmit one copy of said published transactions to be filed with the State librarian, and one copy to the secretary of the State association, should there be one in existence. Whenever such association shall be dissolved, or for any cause cease to exist as a corporation, all collections of documents, periodicals, newspapers, books, maps, pictures, specimens, and curiosities, which may be made by said State society, shall be placed in the State library in charge of the State librarian, and shall be regarded as belonging to the State.

Collections of
documents, etc.,
of State society,
to be placed in
State library.

New section
added.

SEC. 2. That there shall be added to said act one new section to stand as section eight and to read as follows:

How associa-
tions may
reincorporate.

SEC. 8. Any association heretofore formed under existing laws for collecting and preserving historical, biographical and other information in relation to the State of Michigan, or any portion thereof, may reincorporate under this act as hereby amended, by amending their articles of association so as to conform to section three of this act, and

may change their name and by-laws by a vote of a majority of its board of directors or trustees; and a certificate thereof shall be filed in the office of the county clerk of the county in which such society is located; and a duplicate certificate shall be filed with the Secretary of State.

Approved April 26, 1895.

[No. 100.]

AN ACT to incorporate the Michigan Dairymen's Association.

SECTION 1. *The People of the State of Michigan enact,* That a corporation may be organized under the provisions of this act for the purpose of securing the co-operation of dairymen and to promote the social, moral and business interests of its members.

Michigan Dairymen's Association may incorporate.

SEC. 2. Any five or more persons who are at present members of the Michigan Dairymen's Association, who may desire to become incorporated for the purposes set forth in section one, may execute under their hands and acknowledge before some person within this State authorized to take acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and upon the execution and acknowledgment of such articles, the signers thereof and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes set forth in said articles.

Number required to incorporate.

Articles of association to be filed with Secretary of State.

SEC. 3. The articles of such association shall contain:

First, The names of the persons associating and the places of their residence;

What articles to contain. Names.

Second, The name of such association and the place of its business office, which shall be at the place of residence of the secretary;

Name of association, place of business.

Third, The object and purposes of such association, which shall be to secure the co-operation of dairymen and to promote the social, moral and business interests of its members, and the period for which it is incorporated, not exceeding thirty years;

Object and purpose.

Fourth, The number of directors and regular officers and the time of holding its annual meeting: *Provided, however,* That such association may, in its articles of association, or by-laws, provide for and appoint other meetings thereof, than the annual meeting, to be held when and where the association may from time to time designate and appoint;

Number of directors. *Provided as to meetings of organization.*

Fifth, The terms and conditions of membership therein.

Terms, conditions of membership. Corporation to make constitution, by-laws, etc.

SEC. 4. Said corporation shall have full power and authority to make and establish a constitution, by-laws, rules and

Corporation to be managed by executive committee.	regulations, not in conflict with the laws of this State, and to alter and amend the same.
Officers, how chosen.	SEC. 5. The affairs of said corporation shall be managed by the executive committee and officers of said association, to be chosen for such period and in such manner as the by-laws of such association shall provide, and who shall hold their offices until their successors are chosen and qualified. The officers shall be chosen in conformity to the by-laws of such association, adopted and changed by the members as the articles or by-laws may prescribe, not inconsistent with said articles of association. All officers and members, except honorary members of such association, shall be residents of the State of Michigan.
Members to be residents of State. Corporation may hold property, sue and be sued.	SEC. 6. Said corporation may sue or be sued, take by gift, purchase or devise, property, exclusive of that actually used and necessary for the transaction of its business, to an amount not to exceed ten thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, of any city, county, State, or in government securities, or deposited at some bank, or with any broker in this State, upon such bank or broker giving sufficient security for the repayment thereof: <i>Provided</i>, That any such proposition may in its articles of agreement specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as shall be specified in this act: <i>And provided further</i>, That said articles of association shall specify the use to which said moneys and income thereof shall be appropriated, and the same shall be applied exclusively to such purpose and to no other.
Proviso as to kinds of securities funds to be invested in.	This act is ordered to take immediate effect. Approved April 26, 1895.

[No. 101.]

AN ACT to provide for the examination of candidates for admission to the Agricultural College by county commissioners of schools.

Duty of State Superintendent of Public Instruction.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the State Superintendent of Public Instruction to secure, at least twice each year, from the president of the Michigan Agricultural College, a set of examination questions in all the studies required for admission to said college. It shall also be the duty of the State Superintendent of Public Instruction to send a

printed list of said examination questions to each county commissioner of schools.

SEC. 2. It shall be the duty of each county commissioner of schools to give public notice of this examination at the time of all regular teachers' examinations, and to submit the questions aforesaid to any candidate who may desire to enter the Agricultural College. The examination shall be conducted in the same manner as are the regular teachers' examinations of the county. The work of each and every candidate, together with the name and address, shall be forwarded by the commissioner, within five days from the date of the examination, to the president of the college, who shall examine and grade the answers and report to the candidate within five days of the receipt of the paper the result of the examination. A standing of seventy per cent in each branch will admit to freshmen class of the college without further examination.

County commissioner of schools shall give notice of examination.

Examination, how conducted.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[No. 102.]

AN ACT to amend section ten, of act number one hundred thirty-three, of the session laws of eighteen hundred seventy-nine, entitled "An act to establish an institution under the name and style of the Michigan Reform School for Girls," approved May thirty-first, eighteen hundred seventy-nine, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That section ten, of act number one hundred thirty-three of the session laws of eighteen hundred seventy-nine, entitled "An act to establish an institution under the name and style of the Michigan Reform School for Girls," approved May thirty-first, eighteen hundred seventy-nine, as amended by the several acts amendatory thereof, be amended so as to read as follows:

Section amended.

SEC. 10. From and after the time said institution shall be prepared for the reception of inmates, every girl over the age of ten years and under the age of seventeen years, who shall be convicted before any court or magistrate of competent jurisdiction, of being a disorderly person, or of any offense not punishable by imprisonment for life, shall, except in cases deemed incorrigible, be sentenced to said Industrial Home until she shall reach the age of twenty-one years, if such court or magistrate shall deem the girl so convicted a fit subject to be committed to said Industrial Home. The board of control shall have authority to make rules reducing the term for

Who may be received into school.

Board of control may reduce term of sentence.

Examination by physicians of girls, relative to mental and physical condition.

What physician's certificate to state.

Duty of superintendents of the poor.

Fees for examination.

which such girls shall have been sentenced, as a reward for good conduct. It shall be the duty of all courts and magistrates sentencing girls to said Home, to certify to the keeper of said Home, the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such manner as the court or magistrate shall direct: *Provided*, That girls who are under this act sentenced to the State Industrial Home for Girls at Adrian, Michigan, shall be subjected to a careful examination by a regularly authorized and competent physician, who shall under oath certify as to her mental and physical condition, and if on such examination it shall be found that said girl is afflicted with any venereal, contagious, or infectious disease, chronic epilepsy, imbecility, or is pregnant, or any other cause or defect which would make her a menace to those already in the State Industrial Home for Girls, or if said certificate should show that according to the judgment and belief of said certifying physician, said girl has been exposed to smallpox, diphtheria, scarlet fever, or typhoid fever, within the fourteen days next preceding the date of said examination, then, in that case, said girl shall be delivered by the court pronouncing sentence, to the superintendents of the county in which said trial is held. And it shall be the duty of said superintendents of the poor, to provide for the care and medical treatment of said girl in the county house, or elsewhere, as in their judgment seems best, until the examining physician, or another acting in his stead, certifies that the obstacles to her entering the said Industrial Home for Girls are removed. The sentence of said court shall then be executed as though no delay, or cause of delay, had intervened. The fee for such examination shall be not to exceed five dollars in the case of each girl examined, and a bill for that amount shall be audited and allowed by the board of supervisors of the county in which said trial is held.

Approved April 26, 1895.

[No. 103.]

AN ACT to amend section five of chapter five of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eighth, one thousand eight hundred and eighty-one, being act two hundred forty-three of the public acts of one thousand eight hundred eighty-one, the same being compiler's section one thousand three hundred sixty-nine of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section five of chapter five of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eighth, one thousand eight hundred eighty-one, being act two hundred forty-three of the public acts of one thousand eight hundred eighty-one, the same being compiler's section one thousand three hundred sixty-nine of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

[§ 1369.] SEC. 5. It shall be the duty of the commissioner of highways of each township to see that all plank or gravel road companies, or companies owning or controlling any kind of toll road, maintain their roads in a good and safe condition at all times. When any such plank, gravel or toll road shall become defective, he shall serve a written notice upon any officer or agent of the company owning or controlling the same, describing the locality where such defect exists, and requiring such company to repair such defect within five days from the receipt of such notice; and every such company failing to comply with the requirements of such notice shall for every such offense be subject to a penalty of fifty dollars. Commissioner to see that toll roads are kept in repair. Penalty for neglect.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[No. 104.]

AN ACT to amend sections one, two, seven and eight of act number one hundred and nine of the laws of eighteen hundred and fifty-five, entitled "An act to authorize the formation of gas light companies," as amended by subsequent acts, the same being compiler's sections four thousand one hundred and sixty-eight, four thousand one hundred and sixty-nine, four thousand one hundred and seventy-four and four thousand one hundred and seventy-five of Howell's annotated statutes, so as to enlarge the powers of gas light companies and allow them to furnish electricity and electrical light.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one, two, seven and eight of an act entitled "An act to authorize the formation of gas companies," approved February twelfth, one thousand eight hundred and fifty-five, as heretofore amended, the same being chapter one hundred and twenty-six of Howell's annotated statutes, as amended, be and the same are hereby amended so as to read as follows:

Corporate powers, seal, etc.

Election of officers, etc.

Board of directors may elect officers, and fix compensation.

When first meeting may be called.

Five or more may form corporation.

To be a body politic.

Election of officers.

SECTION 1. That all corporations organized and established under the provisions of this act shall be capable of suing and being sued in any court in this State, and may have a common seal and may alter and amend the same at pleasure. The stockholders of such corporation shall, at their regular annual meeting in each year, elect a board of not less than three directors, and may elect a president and such other officers as the by-laws of said association shall provide for: *Provided, however,* It shall be legal for said corporation by its by-laws to delegate to its board of directors the election of the president and such other officers as may be designated by its by-laws, and to prescribe the duties of such officers, and fix their compensation, and the stockholders at such annual meeting or at any special meeting called for that purpose in the notice of which meeting mention is made of the action sought to be taken, may adopt by-laws for the government and regulation of the corporation, or amend the same by a vote of a majority of the stockholders. The first meeting of such stockholders may be called by five days' written notice given by any stockholder to the remaining stockholders, and subsequent meetings thereof may be given by a like notice under the direction of the board of directors, or of the president and secretary of said association, or in such other manner as the by-laws of such association, duly adopted, may provide, and meetings of the board of directors of such associations may be called and held on such notice as the by-laws of said association may provide, or on like notice as is above provided for calling of meetings of stockholders.

SEC. 2. Any number of persons, not less than five, who shall by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of engaging in the manufacture, production and supplying gas and electricity for lighting, fuel or other purposes to any town, city or village and the inhabitants thereof, or to other persons, firms or corporations to whom gas may be conducted from any such city or village, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate in fact and in name under the name assumed by them in their articles of association; and such company so formed shall be entitled to all the privileges conferred, and subject to the requirements of the fifty-fifth chapter of the revised statutes of one thousand eight hundred and forty-six, unless otherwise provided in this act.

SEC. 7. The officers of said corporation shall be elected by the stockholders thereof in the first instance when fifty per cent of the stock shall be subscribed, and ten per cent of the amount subscribed paid in, unless under the provisions of section one of this act the said corporation shall, by its by-laws, decide that its officers shall be

elected by the board of directors, in which event the officers shall be elected by such board of directors at its first meeting after its organization: *Provided, however,* If Proviso as to meeting of stockholders. for any reason the stockholders shall at any meeting at which a board of directors should be elected under the provisions hereof and the by-laws of such association, there should for any reason be a failure to elect such board of directors, then such board of directors may be elected at any legally called meeting of such stockholders held subsequent thereto, and should the board of directors at its regular meeting held pursuant to the provisions hereof and the by-laws of such association, fail to elect the officers of said association, then and in that event such officers may be elected at any subsequent meeting of said board of directors lawfully called for that purpose under the provisions of its by-laws: *And provided further,* When further notice may be given. That should it be impossible to make service of the written notice provided for in section one of this act, then any such stockholders meeting may be held after a notice of at least two weeks has been given by the publication thereof in some newspaper printed in the place where said business is located or to be located. The directors elected shall hold their office for one year and until their successors are elected, and shall have the general management of the business of said corporation, and control of its property and business affairs; the officers so elected shall hold their respective offices for one year and until their successors are elected and qualified. At all meetings of the stockholders a majority of the stockholders in interest shall constitute a quorum for the transaction of business, and each share shall be entitled to one vote.

Term of office of directors.

SEC. 8. Any corporation formed under this act or any corporation now organized under the laws of the State of Michigan for the manufacture and sale of gas shall have full power to manufacture, produce, generate and sell, and to furnish such quantities of gas, electricity and electrical light, as may be required in the city, town or village where said corporation is located, and in any adjacent community, city or village to which its gas or electricity can be conducted through pipes or otherwise, or through which its pipes or conductors as hereinafter authorized may pass, which sale may be for public or private buildings, or for other purposes; and such corporation shall have power to lay conductors for conducting gas or electricity through the streets, lanes or squares of any city, town or village where said corporation is located, or carrying on its business, and through the streets, roads, lanes or squares of any city, township or village of this or any adjacent State, where the same may be necessary for the purpose of conducting gas or electricity to the city, town or village where said corporation is located or carries on its business, for conducting gas or electricity from the city, town or village where such corporation is located to such other

General powers of corporation.

community, city or village where such gas or electricity may be sold or supplied, in this or any adjoining state, which pipes or conductors shall be laid with the consent of the municipal authorities of such cities, townships or villages through which the same are laid under such reasonable regulations as they may prescribe. And it shall also be lawful for said corporations to purchase conductors and pipes, theretofore already laid, suitable for conducting the gas by it manufactured or sold, and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[No. 105.]

AN ACT to amend section twenty-one and repeal section twenty-two of chapter sixty-eight of the revised statutes of eighteen hundred forty-six, entitled "Of wills of real and personal estate," as subsequently amended, the same being sections fifty-eight hundred five and fifty-eight hundred six of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-one of chapter sixty-eight of the revised statutes of eighteen hundred forty-six, being section fifty-eight hundred five of Howell's annotated statutes, as amended by act number fourteen, public acts of eighteen hundred eighty-three, relative to wills of real and personal estate, be and the same hereby is amended so as to read as follows:

Wills admitted
to probate by
filing an exem-
plified copy.

SEC. 21. That any will duly admitted to probate without the probate court of any county in this State in which the testator left real or personal estate, and in the place of the testator's domicile, may be duly admitted to probate and recorded in this State by duly filing an exemplified copy of said will and of the record admitting the same to probate; and proceeding in the manner hereinafter provided.

Section
repealed.

SEC. 2. That section twenty-two of said chapter the same being section fifty-eight hundred six of Howell's annotated statutes, be and the same is hereby repealed.

Approved May 1, 1895.

[No. 106.]

AN ACT to legalize all acts of the Michigan State Horticultural Society, organized under act number one hundred and twenty-five of the laws of Michigan of eighteen hundred and seventy-one, being "An act to provide for the incorporation of societies for the promotion of pomology, horticulture, and the kindred sciences and arts in the State of Michigan."

SECTION 1. *The People of the State of Michigan enact,* That all acts of the Michigan State Horticultural Society since its organization under and by virtue of act number one hundred and twenty-five of the laws of Michigan of eighteen hundred and seventy-one, being "An act to provide for the incorporation of societies for the promotion of pomology, horticulture and the kindred sciences and arts in the State of Michigan," with reference to acquiring property, and all things that said society may have done in and about its business, is hereby declared to be as legal and valid, as though its amended articles of association, by which the name of said society was changed had been regularly and properly filed with the Secretary of State in accordance with the law.

Previous acts of
State Horticultural
Society
legalized.

Approved] May 1, 1895.

[No. 107.]

AN ACT to provide for recording in the offices of registers of deeds certified copies of judgments and decrees of courts of record and making the record thereof evidence in courts, and making such records heretofore made like evidence.

SECTION 1. *The People of the State of Michigan enact,* That whenever any circuit court, court of chancery, probate court, or other court of record in this State shall have rendered any final judgment or decree by the terms of which any person or persons shall be decided to be the owner or owners of any land in this State described therein, or wherein any person or persons shall be determined to be the heirs and entitled to inherit the lands of any deceased owner, or whereby any lands shall be distributed, assigned or partitioned to any person or persons, a copy of such judgment or decree duly certified under the seal of such court may be recorded in the office of the register of deeds of any county or counties in which the lands described in such judgment or decree shall be situated.

When copy of
judgment may
be recorded.

Fee for recording.

Proviso as to fees.

Record may be used in evidence in courts.

Effect of record as evidence.

SEC. 2. Every register of deeds shall be entitled to the same fee for recording such certified copy as by law he may receive for recording conveyances: *Provided*, That in counties where the register of deeds receives an annual salary, he shall turn over all such fees to the county treasurer.

SEC. 3. Whenever any such certified copy of judgment or decree shall be recorded in any register of deed's office, such record may be read in evidence in all courts of this State with like force and effect as such original certified copy.

SEC. 4. Whenever any such certified copy of final judgment or decree shall have been heretofore recorded in the office of any register of deeds in this State, such record may be read in evidence with like force and effect as those that shall hereafter be made and recorded.

Approved May 1, 1895.

[No. 108.]

AN ACT to prevent the spreading of bush, vine and fruit tree pests, such as canker worms and other insects, and fungus and contagious diseases, and to provide for their extirpation.

Spraying with disinfectants and strength of same.

Where insects or contagious disease exist, duty of township board to appoint commissioners.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of every owner, possessor or occupier of an orchard, nursery or vineyard, or of land where fruit trees or vines are grown, within this State, to spray with a poisonous solution or disinfectant [and] of sufficient strength to destroy such injurious insects or contagious diseases, all fruit trees or vines grown on such lands which may be infested with any injurious insects or worms, or infected with any contagious disease known to be injurious to fruit or fruit trees or vines: *Provided*, That no such spraying shall be done while said fruit trees or vines are in blossom, except in case of canker worm.

SEC. 2. In any township in this State where such injurious insects or contagious diseases are known to exist or in which there is good reason to believe they exist, or danger may be justly apprehended of their introduction, it shall be the duty of the township board, upon the petition of at least ten freeholders of such township, to appoint forthwith three competent freeholders of said township as commissioners, who shall hold office during the pleasure of the board, and such order of appointment and of revocation shall be entered at large upon the township record: *Provided*, That in townships having a board of yellows commissioners, such commissioners shall be *ex officio* commissioners under this act.

SEC. 3. It shall be the duty of said commissioners within ten days after appointment as aforesaid, to file their acceptance of the same with the clerk of said township, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for that purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said townships.

Commissioners
to file their
acceptance.

Record to be
kept.

SEC. 4. It shall be the duty of said commissioners or any one of them, upon, or without, complaint, whenever it comes to their notice, that any orchard, fruit trees or vines are infested with canker worm or other injurious insects or contagious disease, within their townships, to proceed without delay to examine such orchards or vineyards, supposed to be infested, and if such injurious insects or contagious diseases are found to exist, the owner shall be notified personally, or by a written notice left at his usual place of residence, or if the owner be a non-resident, by leaving the notice with the person in charge of the trees or vines, or the occupant of the lands upon which such trees or vines shall be growing. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually destroy such injurious insects or worms or contagious disease by spraying such trees or vines with a poisonous solution, or in case of contagious disease to effectually disinfect said diseased trees or vines, within such time from the date of the service of the notice as such commissioners shall designate, said notice and order to be signed by the full board of commissioners.

Duty of the
commissioners
to examine.

Owner, how
notified.

SEC. 5. Whenever any person shall refuse or neglect to comply with the order to spray or disinfect the orchards or vineyards designated by the commissioners, as aforesaid, it shall become the duty of the commissioners to cause said trees or vines to be effectually sprayed with a poisonous solution or disinfected as occasion should require, forthwith, employing all necessary aid for that purpose, and the expenses for the same shall be a charge against the township, and for said spraying or disinfecting, the said commissioners, their agents or workmen, shall have the right and power to enter upon any and all premises within their township.

Commissioners'
duty in case of
refusal or neg-
lect of owner.

SEC. 6. If any owner, township officer or commissioner, neglects or refuses to comply with the requirements of this law as set forth in the preceding sections and within the time therein specified, such person shall be deemed guilty of a misdemeanor, and punished by fine not exceeding fifty dollars or imprisoned in the county jail not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court; and any justice of the peace of the township where such trees or vines may be growing shall have jurisdiction thereof.

Penalty for fail-
ure to comply.

Jurisdiction.

Compensation of
commissioners.

SEC. 7. The several commissioners shall be allowed for service under this act, two dollars for each full day, and one dollar for each half day, and their other charges and disbursements hereunder to be audited as well as any other charges and disbursements under this act by the township board, all of which costs, charges, expense and disbursements shall be recovered by the township from the owner of said infected or infested orchards or vineyards, [or] from the owner of the premises on which said trees or vines may be growing, in an action of assumpsit. The provisions of this act shall not apply to the contagious disease known as yellows.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 109.]

AN ACT to prevent the spread of the contagious diseases known as yellows, black knot, peach rosette and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees or the fruit thereof by providing measures for the eradication of the same and to repeal act number one hundred twelve of the public acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three.

Unlawful for
persons to keep
trees infected
with contagious
diseases.

Trees and fruit
subject to
destruction.

Duty of persons
owning trees
infected.

Appointment of
commissioners.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any person to keep any peach, almond, apricot, plum, prune, cherry, nectarine or pear tree infected with the contagious diseases known as yellows, black knot, peach rosette or pear blight or to offer for sale or shipment or to sell, or to ship any of the fruit thereof, except the fruit of the plum, cherry and pear tree; that both tree and fruit so infected shall be subject to destruction as public nuisances as hereinafter provided. No damages shall be awarded in any court in the State for entering upon the premises and destroying such diseased trees, or parts of trees, or fruit, if done in accordance with the provisions of this act. It shall be the duty of every person as soon as he becomes aware of the existence of such disease in any tree, parts of trees, or fruit owned by him, to forthwith destroy, or cause said trees or fruit to be destroyed.

SEC. 2. In any township or city in this State in which such contagious diseases exist or in which there is good reason to believe they exist or danger may be justly apprehended of their introduction, it shall be the duty of the township board, or city council as soon as such information becomes known to either such board or council, or any member thereof, to appoint forthwith three competent

freeholders of said township or city, as commissioners, to be known as yellows commissioners, who shall hold office during the pleasure of said board, or city council, and such order of appointment and of revocation shall be entered at large upon the township or city records: *Provided*, That the commissioners now appointed and in office shall continue in said office until their successors are appointed and qualified: *Provided*, That in case commissioners have already been appointed to prevent the spreading of bush, vine and fruit tree pests, such commissioners shall be *ex officio* commissioners under this act.

Provide as to former commissioners.

SEC. 3. It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptances of the same with the clerk of said township, or city, and said clerk shall be *ex officio* clerk of said board of commissioners and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said township or city.

To file acceptance with clerk of township.

Keep record proceedings.

SEC. 4. It shall be the duty of the commissioners, or any one of them, upon, or without complaint, whenever it comes to their notice that either of the diseases known as yellows, black knot, peach rosette or pear blight exist, or are supposed to exist within the limits of their township, village or city, to proceed without delay to examine the tree or fruit supposed to be infected, and if the disease is found to exist, a distinguishing mark shall be placed upon the diseased trees, and the owners notified personally, or by a written notice left at his usual place of residence, or if the owner be a non-resident, by leaving the notice with the person in charge of the trees or fruit, or the person in whose possession said trees or fruit may be. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually uproot and destroy, by fire, or as the commissioner shall order, the trees so marked or designated, or such parts thereof, within five days, Sundays excepted, from the date of the service of the notice, and in case of fruit so infected, such notice shall require the person in whose possession or control it is found to immediately destroy the same, or cause it to be done, or the commissioner may destroy the same. Said notice and order to be signed by one or more of the commissioners.

Duty of commissioners in regard to contagious diseases.

Notice, what to state.

SEC. 5. In case any person who is interested in any tree or trees so ordered to be destroyed shall feel aggrieved by such order and shall believe that such trees are not so diseased, he may serve a written notice upon all of the commissioners in the township in which such trees are situated, which notice shall specify the part of such order to which objection is made and the particular tree or trees included in such order which it is claimed are not

In case persons interested to serve written notice on commissioners that trees are not diseased.

May request commissioners to examine trees.	so diseased and shall request an examination of such tree or trees by all of said commissioners, which notice shall be served personally upon each of said commissioners within the five days given for the destruction of said trees and it shall thereupon be the duty of all of said commissioners who have not already done so to personally examine such tree or trees as soon as practicable, and within said five days, and if a majority of all the commissioners shall agree that such tree or trees are so diseased, they shall order the same to be destroyed forthwith by the owner or custodian thereof, but if a majority shall decide that such tree or trees, or any of them, are not so diseased, they shall revoke the order of the commissioner to destroy the same so far as it relates to the trees so found to be free from disease, but this section shall not apply to fruit ordered to be destroyed.
When commissioners may revoke order for destruction of trees.	
Commissioner to remove trees in certain cases.	SEC. 6. Whenever any person shall refuse or neglect to comply with the order to remove and destroy the trees or parts of trees so designated and marked by the commissioner as aforesaid, it shall become the duty of the commissioner to cause said trees or parts of trees to be removed and destroyed forthwith, employing all necessary aid for that purpose. The expenses for such removal and destruction of trees or parts of trees to be a charge against the township or city, and for the purpose of such removal [and] or destruction, the said commissioners, their agents and workmen, shall have the right and power to enter upon any and all premises within their township or city.
Expense, how defrayed.	
Refusal of owner to remove trees a misdemeanor.	SEC. 7. If any owner neglects to uproot and destroy or cause to be removed and destroyed as aforesaid, such diseased trees, or parts of trees or fruit, after such examination and notification, and within the time hereinbefore specified, or any other person who shall sell or offer for sale such diseased fruit, such person shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court, and any justice of the peace of the township or city where such trees may be, or where such nursery stock or fruit is sold, shipped, disposed of, or delivered as aforesaid, shall have jurisdiction thereof. The words "parts of trees," wherever used in this act, shall refer to black knot and pear blight only, and not to trees affected with yellows.
Penalty.	
Compensation of commissioners.	SEC. 8. The commissioners shall be allowed for services under this act two dollars for each full day, and one dollar for each half day, and their other charges and disbursements hereunder, to be audited, as well as any other charges and disbursements under this act, by the township board or city council, all of which costs, charges, expenses and disbursements may be recovered by the township or city from the owner of said diseased fruit or nursery stock, or from the owner of the premises on which said diseased trees stood,
How charges to be recovered.	

in action of assumpsit: *Provided*, Said owner has refused or neglected to remove said diseased fruit or nursery stock in compliance with the order of said commissioner or commissioners.

SEC. 9. All of act number one hundred and twelve of the public acts of eighteen hundred and ninety-three be and the same is hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 110.]

AN ACT for the organization of corporate Methodist Episcopal churches.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons of full age, not less than five, with the consent of the presiding elder of the district in which the proposed church is to be located, to organize and procure the incorporation of a Methodist Episcopal church. Who may organize as Methodist Episcopal church.

SEC. 2. The persons desiring to organize such church shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, articles of association in writing, whereby they shall agree to organize a church which shall be governed by the discipline, rules and usages of the Methodist Episcopal church. To such articles of association there shall be attached a certificate by the presiding elder of the district in which said church is to be located, that said church was organized by and with the consent of said presiding elder. Manner of organization.

SEC. 3. Said articles of association shall contain the following items: Articles of association.

First, The name of said church;

Second, The township, village or city, and the county in which said church shall be located;

Third, An agreement to worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church. What the articles of association to contain.

Said articles may be in the following form:

We, the undersigned, desiring to become incorporated under the provisions of act number of the public acts of eighteen hundred ninety-five, entitled "An act for the organization of corporate Methodist Episcopal churches," do hereby make, execute and adopt the following articles of association, to wit: Form of articles of association.

First, The name assumed by this corporation, and by which it shall be known in law, is "The Methodist Episcopal church."

Second, The location of said church shall be in the of county of and State of Michigan.

Third, The members of said church shall worship and labor together according to the discipline, rules and usages of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said corporation is situated.

In witness whereof, we, the parties hereby associating, for the purpose of giving legal effect to these articles, hereunto sign our names and places of residences.

Done at the of county of and State of Michigan, this day of, A. D.

(Signatures.)

(Residences.)

STATE OF MICHIGAN, }
COUNTY OF } ss.

On this day of, A. D., before me, a in and for said county, personally appeared, known to me to be the persons named in, and who executed the foregoing instrument, and severally acknowledged that they executed the same freely and for the intents and purposes therein mentioned.

I, ..., presiding elder of the district, of the annual conference of the Methodist Episcopal church, the same being the district in which the church mentioned in the foregoing articles of association is to be, or is now, located, do hereby certify that such church was organized by and with my consent and concurrence.

Dated at, Mich., A. D.

Presiding Elder.

Articles to be recorded.

Body corporate.

SEC. 4. Said articles of association, with the said certificate of the presiding elder attached thereto, shall be recorded in the office of the county clerk of the county wherein such church, or their place of worship, shall be located, such record to be made in a book provided by said clerk for that purpose; and such clerk shall be entitled to ten cents for each folio for recording the same. When said articles of association and said certificate shall have been recorded or left for record in the office of the said county clerk, the said persons so signing said articles of association, and their associates and fellow members of said church, and all who may thereafter become members of said church, according to the discipline, rules and usages of the Methodist Episcopal church, shall thereby become, and thenceforth be, a body politic, or corporation, by the name expressed in said articles of association, with all the powers, rights and

privileges appertaining to religious corporations by the laws of this State.

SEC. 5. Said church, when so organized, shall be in all matters of church government and ecclesiastical polity subject to the discipline, usage and ministerial appointments of the Methodist Episcopal church in the United States of America, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds such corporation may be situated.

Subject to discipline, etc., of Methodist Episcopal church of U. S. A.

SEC. 6. The management of the ecclesiastical affairs of said church shall be vested in the quarterly conference of said church, but subject to, and in accordance with the book of discipline, the rules and usages of the Methodist Episcopal church in the United States of America, which may now be in force or hereafter enacted by the general conference.

Management of ecclesiastical affairs vested in.

SEC. 7. The secular affairs of said church shall be managed by a board of trustees, elected and organized according to the provisions of the book of discipline of the Methodist Episcopal church, who shall hold their office until their successors are elected and accept their trust.

Secular affairs managed by trustees.

SEC. 8. Said corporation may have a seal, and alter the same at pleasure; it may in its corporate name sue and be sued in all courts and places; it shall have power to acquire, hold, sell and convey property, both real and personal, in accordance with this act, and it may recover and hold all the debts, demands, rights, privileges and all property, whether real or personal, of whatsoever sort it may be, belonging or appertaining to said church, in whatever manner the same may have been acquired, and in whose hands soever the same may be held, the same as if the right and title had originally been vested in said corporation.

May have a seal.

The board of trustees may authorize certain of the officers of said board, to affix the corporate name and the seal of the corporation, and to execute and attest conveyances, notes, obligations, acquittances and all other necessary legal documents. It may sell, mortgage and dispose of its personal property; and may mortgage and incumber its real estate, but not for the current expenses of the church. It may hold so much land as may be needful for the proper purposes of said church and its parsonage, not exceeding five acres; and it may also hold, for a period not exceeding ten years, real estate which may be lawfully conveyed or devised to it or to said trustees, or to the Sunday school or any other church society or organization connected with it, or the officers of the same, to be sold and the proceeds to be used in any way for the benefit of said church, Sunday school or other society or organization; but if said real estate be not disposed of and the proceeds applied as directed in the conveyance or will under which it is held during the said period of ten years, then the same shall revert

Power to acquire, hold, sell and convey property.

Board of trustees may authorize certain officers to fix corporate name.

May hold certain amount of property.

Shall permit certain ministers to preach.

to the grantor, his heirs or assigns. Said corporation shall at all times permit such ministers belonging to the Methodist Episcopal church as shall form time to time be duly authorized by the general conference of said church, or by the annual conference within whose bounds the said corporation may be, to preach and expound God's holy words therein; and shall permit pastors and presiding elders, duly appointed to execute the discipline of the said Methodist Episcopal church, to administer the sacraments therein.

Conference may authorize sale of real estate.

SEC. 9. Whenever it shall become necessary for the payment of debts or with a view of reinvestment, to make a sale of any real estate belonging to said church, the quarterly conference of said church may, by a vote of a majority of all the members of said quarterly conference, and the consent of the pastor of said church, and of the presiding elder of the district of which such church may or shall be a part, authorize a sale of said real estate by the trustees of said church, with such limitations and restrictions as the quarterly conference may judge necessary and impose; and the trustees of said church, when so authorized, may sell and convey said property, and with the proceeds of such sale pay the debts of such corporation, or reinvest the said proceeds by the purchase or improvement of other property for the same uses and deeded to the corporation in the same manner as provided in section eight of this act, as said trustees may be directed by the quarterly conference: *Provided*, That in all cases the proceeds of such sale, after the payment of debts, if any, if not applied to the purchase or improvement of other property as aforesaid, shall be held by such corporation subject to the order of the annual conference within the bounds of which such property is located. In all cases where property belonging to any church incorporated under the provisions of this act has been abandoned, and is no longer used for the purpose for which said property was acquired, or said corporation has dissolved, or has ceased to exist, the title to the said property belonging to said corporation shall pass to the annual conference within the bounds of which said property is located; and said annual conference may, by such officer or committee as said annual conference may designate for that purpose, apply to the circuit court for the county in which such property may be, for license to sell the same; and such license may be granted by said court after such notice of said application as the court may direct; and thereupon said property may be sold, and the proceeds of such sale applied or used as said annual conference may direct.

Proviso as to proceeds of sale, after payment of debts.

Abandoned property shall pass to the annual conference.

In suits or legal proceedings process may be served.

SEC. 10. In all suits or legal proceedings brought against corporations organized under the provisions of this act, process may be served on the chairman of the board of trustees, or on any member of said board.

SEC. 11. It shall be lawful for any church organized under the provisions of this act, by a two-thirds vote of the quarterly conference of said church, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act, or the book of discipline of the Methodist Episcopal church; and such alteration or amendment shall become operative when two-thirds of the members of the quarterly conference shall execute amended articles, and said amended articles are acknowledged in the same manner as stated in section three of this act, and the presiding elder has affixed his certificate thereto, as provided in said section, and the same has been recorded or left for record as provided in section four of this act.

How articles of association may be amended.

SEC. 12. Any Methodist Episcopal church heretofore incorporated, or the trustees of which have heretofore exercised the powers of a body corporate, may by a two-thirds vote of the members of its quarterly conference, place itself under the provisions of this act, the same as if originally incorporated under it, by two-thirds of the members of said quarterly conference executing articles of association as provided in section three of this act, and the presiding elder affixing his certificate thereto as provided in said section, and recording the same as provided in section four of this act.

Churches may dissolve and organize under this act.

SEC. 13. In all proceedings or suits that may arise, or be brought in any of the courts of this State, touching, or in any way concerning, churches that may be incorporated under this act, or which by vote of the quarterly conference thereof may have placed themselves under its provisions, all other acts, or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act, and to all the rights and privileges granted by this act to churches incorporated or placed thereunder.

How acts construed.

SEC. 14. It is further provided, that the execution by the acting trustees of said corporation, in proper form, of any deed, mortgage, note, bond, or other obligation or contract of said corporation, shall be *prima facie* evidence of the proper appointment of said trustees and that the necessary steps have been taken to give them full authority to make such transaction.

Execution by trustees of deed or contract prima facie evidence of appointment.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 111.]

AN ACT to amend section one of chapter four of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, as amended by act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-nine, approved July first, eighteen hundred and eighty-nine, also to amend section one of chapter five of said act of eighteen hundred and eighty-five, being an act entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," approved June twentieth, eighteen hundred and eighty-five, as amended by the several acts amendatory thereof, and to add a new section thereto to stand as section ten of said chapter five of said act of eighteen hundred and eighty-five.

Sections and
chapters
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of chapter four of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, as amended by act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-nine, approved July first, eighteen hundred and eighty-nine; that section one of chapter five of said acts of eighteen hundred and eighty-five, being an act entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," approved June the twentieth, eighteen hundred and eighty-five, as amended by the several acts amendatory thereof, be and the same are hereby amended, and that a new section be added to be said chapter five to stand as section ten, so as to read as follows:

CHAPTER IV.

Order establish-
ing and naming
drain, etc.

SECTION 1. Upon the release of right of way and damages or upon the determination and return of the special commissioners, or order of the probate court, as the case may be, the drain commissioner shall make his final order establishing the drain, and shall give the same a name by which it shall be known and recorded. He shall also include in such order a description of the several tracts or parcels of land to be assessed for benefits in the construction of such drain which said tracts or parcel shall constitute the special assessment district for that purpose, to be known and designated in such order by the same name of the drain. He shall thereupon, without delay, proceed to divide the route thereof into convenient sections, for the letting of the work, and shall mark the grade on each stake, from stake to stake, along the whole length of such

To divide into
sections.

drain. He shall also mark on each stake the number of each section of division, from the lower end, and the length in feet or rods which each section contains, and shall make a diagram corresponding with the divisions so made, and shall file the same with the other papers pertaining to such drain. He shall give not less than fifteen days notice of the time and place of letting, by serving personal notice upon every person whose lands are affected by such assessment and who reside in the township or townships traversed by said drain, which notice shall be served in the same manner as provided in section seven of chapter three for the personal service of citations, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county. Such notice shall contain a description of the several tracts or parcels of lands constituting the special assessment district of such drain, as above provided, and it shall also state, that at the time and place of such letting, or at such other time and place thereafter to which the commissioner may adjourn the same, the assessments for benefits and the lands comprised within the special assessment district will be subject to review. On such reviews the commissioner of highways of any township may appear on behalf of such township. At such review the commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the description of land comprised within the special assessment district, the several descriptions assessed and his assessments of benefits, and define and equalize the same as may seem just and equitable: *Provided*, That at such review no lands not included in the notice of publication, as herein above provided, shall be added to such special assessment district.

Grade stakes,
how marked.

Diagram to be
filed.
Notice of time
and place of let-
ting to be posted
and published.

Description of
special assess-
ment district.

Review of as-
sessment.

Proviso.

CHAPTER V.

ASSESSMENT AND REVIEW.

SECTION 1. The commissioner shall apportion the per cent of the cost of construction of such drain which any township traversed thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per cent of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per cent assessed against such township as aforesaid, which per cent of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per cent for benefits shall thereupon be

Apportionment
of cost of
construction
of drain.

Apportionment
of benefits.

Apportionment
to be announced
at the time and
place of letting.

Review, etc.,
appeal.

Township ag-
grieved may
appeal.

Township board
to authorize
supervisor to
act, in case of
appeal.

Probate court
shall appoint a
board of review.

Persons appoint-
ed shall be vested
with same pow-
ers as township
boards in review-
ing individual
assessments.

Time and place
of meeting of
board fixed by
probate court.

Notice of
appointment.

In case of failure
of persons ap-
pointed to act,
probate court to
appoint new
board of review.

Compensation
of members of
board.

subject to review and correction, and may be appealed from in the manner hereinafter provided.

SEC. 10. Any township assessed a per cent for benefit for the construction of any drain which may conceive itself aggrieved by the assessment made by the commissioner, may within fifteen days after the day of review, as provided in section one of this chapter, appeal therefrom as hereinafter provided. The township board of any township desiring to take such appeal shall pass a resolution to that effect, authorizing the supervisor, or in his absence or inability to act, some other member of said board, to make application to the probate court of the proper county for the appointment of a board of review. The probate court upon receipt of such application in writing and containing a copy of the resolution passed by the township board, and signed by the officer authorized to make such application, shall thereupon appoint three competent, disinterested freeholders residing in the county outside of said township, as a board of review. The persons so appointed as aforesaid, shall be vested with the same powers and shall perform the same duties in regard to the assessment against said township, in the same time and manner in all respects as by this act provided for township boards in reviewing individual assessments. Upon such appointment being made, the probate court shall by order fix the time and place where said board of review shall meet to review said assessment, which time shall not be less than five days nor more than fifteen days from the date of such appointment. Said township shall thereupon notify such persons in writing of their appointment and the purpose thereof, and the time and place for them to meet as fixed by the probate court, and shall also give like notice to the drain commissioner at least three days before said meeting, and proof of service of said notice on said commissioner shall be required by said board of review in all cases where the said drain commissioner fails to appear at said meeting of said board of review. Should any one or all of the persons so appointed as a board of review neglect or refuse to act, or should they be unable to agree in regard to said assessment the probate court shall, upon the showing being made, either that any or all the persons [as] aforesaid appointed have neglected or refused to act, or that they have been unable to agree on said assessment, as the case may be, at once appoint another board of review, as hereinbefore provided, and the time for such second board to act and perform its duties shall be extended not to exceed fifteen days from the date of its appointment. The persons so appointed as a board of review shall receive the sum of three dollars per day for each day actually and necessarily spent in the discharge of their duties as members of said board of review. In case the assessment made by the commissioner is sustained, the township or townships appealing shall be sev-

erally liable for all costs incurred by such appeal, and the same proceedings shall be had throughout in all respects in said appeal to said probate court, as to benefits and liabilities in case of an appeal to the township board from an individual assessment: *Provided*, That in case two or more townships appeal from the same assessment, only one board of review shall be appointed to review the assessment against the several townships: *And provided further*, That the board of review herein provided for may adjourn any hearing before them from time to time as justice may require not exceeding in all ten days from the date of their first meeting.

When township appealing liable for costs incurred.

Provide as to appeal from assessment.

Further provide as to adjourned hearing.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 112.]

AN ACT to set aside certain submerged lands in Lake Erie and Detroit river lying east of and adjacent to Monroe and Wayne counties, for public shooting grounds, to make it unlawful to cut and destroy the rushes and other submarine vegetation on such submerged lands and to provide a penalty therefor.

SECTION 1. *The People of the State of Michigan enact*, That all that part of Lake Erie lying adjacent to the surveyed lands of Monroe and Wayne counties and any submerged lands within the surveyed lines of said counties and connected with Lake Erie and Detroit river, providing such surveyed lands are owned by the State of Michigan, shall be and hereby are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of the State of Michigan, for a distance extending one mile into said Lake Erie, the eastern line of the submerged lands and waters hereby reserved being one mile distant from the surveyed lines of the east side of said counties and parallel thereto: *Provided*, That this reservation and dedication shall not interfere with, or detract from, any rights or privileges as to fishing now enjoyed by any person, or the public.

Certain lake and submerged lands—

dedicated for public shooting or hunting grounds.

Provide as to fishing by the public.

SEC. 2. All persons who now have, or shall hereafter locate upon any part of such submerged lands or lake, or occupy the same except as herein provided, shall be considered trespassers and may be prosecuted as trespassers upon the public lands in the manner now provided by law: *Provided*, That such waters shall be free for all purposes of navigation.

Who considered trespassers.

Provide as to navigation.

SEC. 3. It shall be unlawful for any person to cut, or otherwise destroy the rushes and other submarine vegetation growing on such reserve without the consent of the

Unlawful to cut or destroy rushes or other vegetation.

Penalty for
violation of act.

board of supervisors of said counties, and any person or persons who shall willfully cut or destroy the same, or cause the same to be done, knowingly, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail of said Monroe or Wayne county not exceeding ninety days.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 113.]

AN ACT to amend section two of act number twenty-five of the public acts of eighteen hundred eighty-seven, approved March ninth, eighteen hundred eighty-seven, entitled "An act to provide for three additional circuit judges for the third judicial circuit," so as to provide for the appointment of a clerk for the judges of said circuit.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number twenty-five of the public acts of one thousand eight hundred and eighty-seven, approved March ninth, one thousand eight hundred and eighty-seven, entitled "An act to provide for three additional circuit judges for the third judicial circuit," be and the same hereby is amended so as to read as follows:

Co-ordinate
power of each
judge.

SEC. 2. Whenever any cause, matter or proceeding, or any motion, application or other business shall be assigned to one of said judges, a journal entry thereof shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him with the same force and effect as if he were the only judge of said circuit, and subject to and with the power and authority conferred by all the rules of practice, and of the law applicable to circuit courts having only one judge, and thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room, or in a separate room attended by the clerk, or one of his deputies, and by the sheriff or one or more of his deputies, by a stenographer and by jurymen not engaged in the trial of other causes, if it be a cause to be tried by a jury, and such judge while so sitting for the transaction of business shall have all the powers of any circuit judge sitting in any circuit court in this State, and the proceedings shall be regarded as proceedings of the circuit court had in open court and at a session of the said circuit court. If a sufficient number of jurors shall not be in attendance upon the court and not engaged in the trial of other causes, said judge may direct talesmen to be summoned as required by law. The

Proceedings,
how regarded.

Jurymen.

said judges may make rules from time to time in relation to the making up of the trial docket, and as to the disposition of the business of the court, not inconsistent with any general laws of the State. The governor of the State may, upon the recommendation of said judges, appoint a clerk, who may be removed in like manner and his successor appointed. The business of said clerk shall be to render such assistance as said judges may require in arranging the business of said courts. He shall receive a salary of fifteen hundred dollars per annum, to be paid in monthly installments by the county of Wayne. Governor may appoint a clerk. Salary.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 114.]

AN ACT making an appropriation for the current expenses of the Michigan Soldiers' Home, and for the Home for Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers, for the years one thousand eight hundred ninety-five and one thousand eight hundred ninety-six.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated from the general fund the sum of one hundred and sixty thousand dollars, for the current expenses of the Michigan Soldiers' Home and other expenses necessary to the maintenance and improvement thereof for the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six: *Provided,* That of the amount hereby appropriated it shall not be lawful for the board of managers to draw a sum exceeding eighty thousand dollars in the year eighteen hundred and ninety-five and the sum of eighty thousand dollars in the year eighteen hundred and ninety-six. Appropriation for 1895 and 1896. Provision as to amounts to be drawn each year.

SEC. 2. The sums hereafter received from the general government for all allowances for periods after January first, eighteen hundred and ninety-five, shall be covered into the State treasury, and credited to the general fund. Money received from the general government for allowances to be covered into State treasury.

SEC. 3. That there be and hereby is appropriated from the general fund the sum of sixteen thousand dollars for the current expenses of the Home for the Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers, and other expenses necessary to the maintenance and improvement thereof, for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six: *Provided,* That of the amount hereby appropriated it shall not be lawful for the board of managers Appropriation for current expenses. Provision as to amount to be drawn.

to draw a sum exceeding eight thousand dollars in the year eighteen hundred and ninety-five, and the sum of eight thousand dollars in the year eighteen hundred and ninety-six.

Tax for appropriation.

SEC. 4. The Auditor General shall add to and incorporate in the State taxes for the year eighteen hundred and ninety-five, the sum of eighty-eight thousand dollars, and for the year eighteen hundred and ninety-six the sum of eighty-eight thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be passed to the credit of the general fund to reimburse such fund for the amounts appropriated under the provisions of this act.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 115.]

AN ACT making appropriations for the Michigan Pioneer and Historical Society for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

Appropriation for Michigan Pioneer Society.

SECTION 1. *The People of the State of Michigan enact,* That there is hereby appropriated from the general fund to the Michigan Pioneer and Historical Society, the sum of two thousand five hundred dollars for each of the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, to be used in the discretion of the executive committee of said society in collecting, arranging and preserving a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials illustrative of, and relating to the history of Michigan; to rescue from oblivion the memory of its early pioneers; to procure and preserve narratives of their early exploits, perils, privations, hardy adventures and noble achievements, and also in collecting material of every description relative to the history, genius, progress or decay of our Indian tribes; to exhibit faithfully the past and present resources of Michigan, and for the publication of additional volumes of historical and other material relative to and illustrative of the history of Michigan. Said Michigan Pioneer and Historical Society shall collect, arrange and prepare the materials for said volumes for printing, which shall be printed by the State printer under the direction and superintendence of said society, the cost of printing to be paid out of above appropriation, which volumes of not more than three thousand copies each, and containing not more than seven hundred and thirty pages each, shall be printed and published in the kind of type, quality of

Purposes of.

Number of copies, size of volumes.

paper, style of binding and printing as those heretofore published by said society.

SEC. 2. Five hundred copies of each volume published, as heretofore in this act provided for, shall be deposited in the State library of Michigan for exchange with the pioneer and historical societies of domestic and foreign states and governments, and the officers of said Michigan Pioneer and Historical Society shall make a further distribution of one copy of each of said volumes to each of the duly and legally incorporated public libraries in the State of Michigan when authoritatively and officially requested so to do by the legally elected officers or other legally constituted managers of said public libraries. The residue and remainder of said copies of said volumes shall be delivered to and be in the custody and care of the State Librarian, to be sold by said librarian at a price not less than seventy-five cents per copy, and the moneys arising from such sales shall be deposited in the State treasury to the credit of the general fund.

Disposition of.

Remainder to be sold by State Librarian.

SEC. 3. The sum appropriated by this act shall be placed to the credit of the State Pioneer and Historical Society on the books of the Auditor General's office, and shall be drawn from the State Treasury only on the warrant of the Auditor General in payment of vouchers duly certified by the president and secretary of said society, for expenditures actually incurred in accordance with the provisions of this act.

How money drawn.

SEC. 4. No part of the sums hereby appropriated shall ever be paid for any services rendered by its officers to the society while in the discharge of their official duties.

Officers not to receive any part of appropriation.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 116]

AN ACT to amend sections eight, nine, ten and thirteen of an act entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp meetings, for meetings of assemblages or associations and societies organized for intellectual and scientific culture, and for the promotion of the cause of religion and morality or for any and all of such purposes," approved March twenty-ninth, eighteen hundred eighty-nine.

SECTION 1. *The People of the State of Michigan enact,* That sections eight, nine, ten and thirteen of an act entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp meetings, for meetings of assem-

Sections amended.

blages or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any and all of such purposes," approved March twenty-ninth, eighteen hundred eighty-nine, be and the same are hereby amended so as to read as follows:

Board of trustees to have management and control of association.

SEC. 8. The board of trustees shall have the management and control of the business, finances, rights, interests, buildings and all property, real and personal, of the association, and shall represent the association with full power and authority to act for it in all things whatsoever, subject only to the provisions of this act and the by-laws of the association and any special directions that may be given in regard thereto by a vote of any annual meeting. It shall fix the time for holding the annual meeting of the association and all special meetings thereof. Such

To have jurisdiction over lands, water, etc.

board shall have jurisdiction over the lands of the association, the streets and highways passing through or over the same and the water within or in front thereof, and all buildings thereon, whether leased or not; to keep all such lands and premises of the association and the water within or in front thereof in good sanitary condition; to preserve the purity of the waters of all streams, springs, bays or lakes within or bordering upon said lands; to license such

To license drays.

number of drays as may be thought desirable upon such terms and conditions as the board shall determine; and to prohibit any person from carrying on the business of carrying goods, trunks, baggage or commodities on the lands of the association or the highways, streets or alleys thereon, without such license first being had; to provide for protection from loss or damage from fire and to protect the occupants of its grounds from contagious diseases; to remove therefrom any and all persons afflicted with any such disease; to prevent and prohibit on its grounds vice and

To provide for protection against fires.

immorality; to prohibit all disorderly assemblies and conduct, all gaming and disorderly houses, all billiard tables, bowling alleys, fraudulent and gaming devices, the selling or giving away any spirituous or fermented liquors; to prohibit and abate all nuisances and all slaughter houses, meat markets, butcher shops, glue factories, and all such other offensive houses and places as the board of trustees may deem necessary for the health, comfort and convenience of the occupants upon such lands; to prohibit immoderate driving or riding upon said premises or the streets and highways lying along or across the same; to prevent the running at large of any dog or other animal; to compel persons occupying any part of said premises to keep the same in good sanitary condition and the streets, sidewalks and highways in front thereof free from dirt and obstruction and in good repair; to fix the place or places where and the time when persons may bathe in the waters within or in front of its land and regulate the same in the interests of decency and good morals; to prohibit all boating

Vice and immorality.

Spirituous liquors. To abate nuisances.

Immoderate driving.

Dogs. Sidewalks.

upon any of its said waters on Sunday to and from the lands of the association; and they may also prohibit or consent to the erection and maintenance of stables and horse barns upon said grounds: *Provided always*, That the right of the public to control, repair and use all such highways and streets as are now or may hereafter be used and necessary for the public travel through or across said grounds shall not be affected hereby: *And further provided*, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways, as may be laid out and used under the authority of said association. The board may also prohibit or consent to the holding of meetings or assemblies for religious or other purposes upon its grounds, and may fix and determine the terms and conditions upon which hotels and boarding houses may be kept thereon.

To prohibit boating on Sunday.

Provide as to public travel.

Public not liable for repair of streets, sidewalks, etc.

May prohibit the holding of meetings.

SEC. 9. Such board of trustees may from time to time make such orders and by-laws relating to the matters hereinbefore specified and to the business and property of the association as shall seem proper, and may amend the same from time to time, provided always that the same may be amended or rescinded by a majority vote at any annual meeting of the association.

Power to make by-laws.

SEC. 10. Any person who shall violate any of such by-laws made as in said last section provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding twenty-five dollars, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court, which fine shall go to the same fund as other fines for misdemeanor in the township where such association lands may be located.

Penalty for violation of by-laws.

SEC. 13. Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, hydrant, building or other structure placed on the grounds of the association, any dock, landing, quay or boat house thereon, or boat upon the waters upon which such lands are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any tree, shrub or plant upon such grounds, or shall deposit in any spring, stream, reservoir or water pipe, or water upon or within such grounds or in front thereof, any filth or impurity, or who shall in any way injure any water pipe, lock or reservoir for the storage or passage of water along or upon such grounds, or any sewer or drain, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Penalty for injuring property of association.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[No. 117.]

AN ACT to amend section one of act number two hundred seventy-six of the public acts of eighteen hundred eighty-nine, entitled "An act for the protection of game," being section twenty-two hundred fifteen *a* of Howell's annotated statutes, third volume, and to add four new sections to said act to stand as sections twenty-six, twenty-seven, twenty-eight and twenty-nine of said act.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact,</i> That section one of act number two hundred seventy-six of the public acts of eighteen hundred eighty-nine, entitled "An act for the protection of game," being section twenty-two hundred fifteen <i>a</i> of Howell's annotated statutes, third volume, be and the same is hereby amended so as to read as follows:
Open season for killing deer.	SECTION 1. That no person shall pursue, or hunt, or kill any deer in this State, save only from the first day of November to the twenty-fifth day of November, both inclusive, in each year.
Sections added.	SEC. 2. That there shall be added to said act four new sections to stand as sections twenty-six, twenty-seven, twenty-eight and twenty-nine, to read as follows:
License by non-residents required, where procured.	SEC. 26. Every non-resident of the State of Michigan, who engages in the hunting or killing of deer in any county in the State of Michigan shall be required to take out a license from the county clerk of the county where he proposes to locate his camp during the open season.
Cost of license.	Each and every person not a resident of the State of Michigan shall pay a license fee of twenty-five dollars.
When deer may be killed.	Such license shall allow such person to hunt or kill deer in any county of the State for the open season of the calendar year of which the license bears date. One-half the fees so received by the county clerk shall be by him paid over to the county treasurer to be used in enforcing the provisions of this act as the board of supervisors may direct, the balance to be paid in to the State treasury to be used to pay the State Game Warden and his deputies.
Duty of county clerk.	SEC. 27. Every resident who has resided in the State of Michigan for six months, who proposes to hunt or kill deer in the State, shall take out a license from the county clerk of the county where he resides, which license shall be certified to by two witnesses or by the county clerk of said county, showing that the person to whom it is issued is a <i>bona fide</i> resident of the county where the license is issued. The fee for the issue of such license to a resident of the State of Michigan shall not exceed fifty cents. All licenses shall continue in force only during the hunting season of the year in which such license shall be issued. No person licensed under this act shall be allowed to kill more than five deer in any one year and there shall be attached to each deer or part of deer
Resident hunters required to take out license.	
Fee.	
Number killed to be limited to five.	

shipped one coupon from said license, which coupon shall be signed and detached by the person to whom the license is issued in the presence of the shipping agent at the point of shipment. Said license and coupons shall be in the following form:

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

LICENSE TO HUNT DEER.

STATE OF MICHIGAN, }
COUNTY OF }
LICENSE No.

Form of license.

I, ..., Clerk of the County of
....., in said State, do hereby
certify that, whose name is
signed in the margin of this license in his own hand-
writing, or who has made oath that he cannot write, has
satisfied me according to law that he is a resident
of the State of and of
..... County therein, and I do further
certify that he has paid me the sum of \$,
provided by law for a license for residents of the
State and entitled to hunt deer in any County of the
State for the open season in the year 189... He states
his age to be years, has hair, ...
eyes, and

[SEAL.]

Clerk.

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

COUPON NUMBER 5, to License No. issued by the Clerk of County, Michigan, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Michigan, and said coupon must accompany it.

[SEAL.]

Signature of holder,

Clerk.

Witness, ...

Agent.

Form and number of coupons.

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

COUPON NUMBER 4, to License No. issued by the Clerk of County, Michigan, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Michigan, and said coupon must accompany it.

[SEAL.] Signature of holder,

Clerk.

Witness, -----
Agent.

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

COUPON NUMBER 3, to License No. issued by the Clerk of County, Michigan, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Michigan, and said coupon must accompany it.

[SEAL.] Signature of holder,

Clerk.

Witness, -----
Agent.

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

COUPON NUMBER 2, to License No. issued by the Clerk of County, Michigan, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Michigan, and said coupon must accompany it.

[SEAL.] Signature of holder,

Clerk.

Witness, -----
Agent.

Open season, from the first day of November to the twenty-fifth day of November, both inclusive.

COUPON NUMBER 1, to License No. issued by the Clerk of County, Michigan, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Michigan, and said coupon must accompany it.

[SEAL.] Signature of holder,

Clerk.

Witness, -----
Agent.

Such blanks for license and coupons shall be prepared by the Secretary of State, upon strong manilla paper, and by him forwarded to each county clerk in the State, prior to the first day of October of each year. The clerk of each county shall inform the Secretary of State not later than September first of each year of the number of said blanks and coupons likely to be required for use in this county.

Secretary of State to furnish blanks to county clerk.

SEC. 28. Every person engaged in the hunting or killing of deer in the State of Michigan, who is not properly licensed to hunt or kill deer under the provisions of this act, shall be deemed guilty of a misdemeanor and be liable to arrest by any game warden, deputy game warden, sheriff, deputy sheriff or constable of the State of Michigan, and upon conviction thereof shall be fined a sum not less than fifty dollars and not to exceed one hundred dollars, or imprisonment in the county jail where such offense is committed, for the term of not to exceed ninety days, or both, in the discretion of the court. Any game warden or deputy game warden, sheriff or deputy sheriff, or constable of the State of Michigan, is empowered and authorized to examine the license of any person engaged in the hunting or killing of deer in the State of Michigan, and the failure or refusal of such person to exhibit his license to such authorized officer when demanded shall be deemed *prima facie* evidence that such person is engaged in the unlawful hunting and killing of deer: *Provided*, That nothing in this act shall be so construed as to permit the hunting or killing of deer in any county of this State, where such hunting or killing is now prohibited by law.

Hunting or killing without license.

Penalty.

Failure or refusal to exhibit license.

Provided.

SEC. 29. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repealing clause.

Approved May 4, 1895.

[No. 118.]

AN ACT to amend the title and section one of act number one hundred sixty-six of public acts of eighteen hundred ninety-three, entitled "An act to provide for the erection and maintenance of shutes or ladders for the passage of fish through dams across the Muskegon river and its tributaries, Clinton river and its tributaries in Macomb county, and the Black river in Sanilac and Huron counties, and to provide a penalty for violations of the provisions of this act."

SECTION 1. *The People of the State of Michigan enact*, That the title of act number one hundred sixty-six of public acts of eighteen hundred ninety-three, be and hereby

Section amended.

is amended so as to read as follows: "An act to provide for the erection and maintenance of shutes or ladders for the passage of fish through dams across the Muskegon river and its tributaries, and Clinton river and its tributaries in Macomb county, and the Black river and its tributaries in Sanilac, St. Clair and Huron counties, and the Chippewa river and its tributaries, and to provide a penalty for violation of the provisions of this act," and that section one of said act be and the same is hereby amended so as to read as follows:

Fish shutes to be maintained in certain waters.

SECTION 1. *The People of the State of Michigan enact,* That there shall be constructed and maintained in each dam now existing, or which may be hereafter constructed across the Muskegon river or its tributaries, the Clinton river and its tributaries in Macomb county, the Black river and its tributaries in Sanilac, St. Clair and Huron counties, and the Chippewa river and its tributaries in this State, sufficient and permanent fish shutes or fish ladders to admit of the free and uninterrupted passage of fish, over or through such dam or dams during the months of March, April, May and June, in each and every year; such shutes or fish ladders shall be put in, or provided for such dam or dams, in such manner as shall be prescribed by the board of fish commissioners of this State.

This act is ordered to take immediate effect.

Approved May 8, 1895.

[No. 119.]

AN ACT to amend sections nineteen, twenty, thirty and thirty-one of act number one hundred twenty-four of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the government of the Michigan Asylum for Dangerous and Criminal Insane, and the inmates therein, and to repeal act number one hundred ninety, laws of eighteen hundred eighty-three, and all acts amendatory thereto, and all that portion of act one hundred forty, laws of eighteen hundred ninety-one, which conflicts with this act, being an act entitled 'An act to provide for a State board of inspectors, who shall perform the duties now performed by the advisory board in matters of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing and the Industrial Home for Girls at Adrain, and to abolish all existing boards and to annul all existing appointments.'"

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections nineteen, twenty, thirty and thirty-one of act number one hundred and twenty-four, of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the government of the Michigan Asylum for Dangerous and Criminal Insane, and the inmates therein, and to repeal act one hundred and ninety, laws of eighteen hundred and eighty-three, and all acts amendatory thereto, and all that portion of act number one hundred and forty, laws of eighteen hundred and ninety-one which conflicts with this act, being an act entitled 'An act to provide for a State board of inspectors, who shall perform the duties now performed by the advisory board in the matter of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the Branch of the State Prison at Marquette, the Reform School for Boys at Lansing, and the Industrial School for Girls at Adrian, and to abolish all existing boards, and to annul all existing appointments,' " be amended so as to read as follows:

SEC. 19. When a person accused of any crime shall have escaped indictment, or shall have been acquitted upon trial, upon the grounds of insanity, the court being certified by the jury, or otherwise, of the fact, shall carefully inquire and ascertain whether his or her insanity in any degree continues, and if it does, shall order such person into safe custody, and to be sent to the Michigan Asylum for Dangerous and Criminal Insane, or to any one of the State Asylums for the insane. If any person in confinement under indictment for crime, shall appear to be insane, the judge of the circuit court of the county where he or she is confined, shall institute a careful investigation. He shall call two or more respectable physicians and other credible witnesses, and the prosecuting attorney, to aid in the examination; and if it be deemed necessary to call a jury for that purpose, is fully empowered to compel the attendance of witnesses and jurors. If it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment, and order his or her safe custody and removal to the Michigan Asylum for Dangerous and Criminal Insane, or to any one of the State asylums, at the discretion of such judge, where such person shall be retained until restored to his or her right mind, and then, if the said judge shall have so directed, the superintendent of said asylum shall inform the said judge and prosecuting attorney, so that the person so confined may within sixty days thereafter be remanded to prison, and criminal proceedings be resumed, or otherwise be discharged. If any such person be sent to either of said asylums, the county from which he or she is originally sent shall defray all expenses of such person, while in the

Duty of court when insane person is accused of crime.

When person in confinement appears to be insane, judge to institute investigation.

If found insane to be committed to asylum.

Expenses, how paid.

asylum, for a period of two years, and the expense of returning home to such county, if his or her discharge is effected during such period. If he or she shall not be discharged from the said asylum until after his or her transfer to the State shall have been effected, under the provisions of a subsequent section the expense of his or her return to said county shall be paid by the State of Michigan. The county or the State may recover the amount so paid, from the person's own estate, if he or she have any, or from any relative, town, city or county, that would have been bound under existing laws to provide for and maintain him or her elsewhere.

When county or State may recover expenses.

When person under indictment for certain crimes appears to be insane, judge to inquire into.

SEC. 20. If any person in confinement under indictment for crime shall appear to be insane, the judge of the circuit court in which such indictment is pending, shall have power summarily to inquire into the sanity of such person, and for that purpose may appoint a commission to examine such person, and inquire into the facts of his or her case, and report them to the court; and if the said court shall find such person insane, without sufficient mental capacity to undertake his or her defense, it may, in his discretion, order the removal of such person to the Michigan Asylum for Dangerous and Criminal Insane, or to any one of the State asylums, there to remain until restored to his or her right mind; when he or she shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged according to law. The expense of such person's maintenance shall for a period of two years be defrayed by the county from which he or she came, and until his or her transfer to State expense shall have been effected, as provided for in a subsequent section.

Expenses, how paid.

Bills to be rendered quarterly.

How paid.

SEC. 30. The bills for the maintenance, clothing and other charges of all State patients shall be rendered quarterly to the Auditor General in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurer of the asylum on the warrant of the Auditor General, out of any moneys belonging to the general fund. In case of escape of any patient, it shall be the duty of the medical superintendent to take all proper measures for the apprehension of such patient, and for that purpose he may offer a reasonable reward for the apprehension of such patient. All expense of recapture of escaped patient or patients shall be chargeable to the State of Michigan. If a patient at the time of his escape be a convict and is retaken, the time between the escape and his recapture shall not be computed as part of the term of imprisonment, but he shall remain in the asylum or prison to which he may be transferred a sufficient length of time after the term of his sentence would have expired if he had not escaped, to equal the period of time he may have been absent by reason of such escape.

Reward for capture and return of escaped patients.

SEC. 31. Act one hundred ninety, laws of eighteen hundred and eighty-three, and all acts amendatory thereto, and all of that portion of act one hundred and forty, laws of eighteen hundred and ninety-one, which conflicts with this act, and all other acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealing
clause.

Approved May 8, 1895.

[No. 120.]

AN ACT to prevent the spearing of fish in the waters of Long Lake, in Genesee county.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any person to spear any fish in the waters of Long Lake in Genesee county or take them by any other device except with a hook and line.

Unlawful to
spear fish in
Long Lake.

SEC. 2. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be fined a sum not to exceed thirty dollars, or thirty days' imprisonment in the county jail, or both such fine and imprisonment in the discretion of the court.

Penalty for violation of act.

This act is ordered to take immediate effect.

Approved May 8, 1895.

[No. 121.]

AN ACT to amend section one hundred one of chapter one hundred two of the revised statutes of eighteen hundred forty-six, as amended by subsequent acts, the same being section seventy-five hundred forty-five of Howell's annotated statutes relative to the competency of witnesses and examinations of parties in certain cases.

SECTION 1. *The People of the State of Michigan enact,* That section one hundred one of chapter one hundred two of the revised statutes of eighteen hundred forty-six, as amended by subsequent acts, the same being section seventy-five hundred forty-five of Howell's annotated statutes relative to the competency of witnesses and examination of parties in certain cases, be and the same is hereby amended so as to read as follows:

Section
amended.

§ 7545. SEC. 101. That when a suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person,

Parties not to
testify in certain
cases.

the opposite party, if examined as a witness on his own behalf, shall not be admitted to testify at all to matters which, if true, must have been equally within the knowledge of such deceased person; and when any suit or proceeding is prosecuted or defended by any surviving partner or partners, the opposite party, if examined as a witness in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of the deceased partner, and not within the knowledge of any one of the surviving partners. And when any suit or proceeding is prosecuted or defended by any corporation, the opposite party, if examined as a witness in his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of a deceased officer or agent of the corporation, and not within the knowledge of any surviving officer or agent of the corporation, nor when any suit or proceeding is prosecuted or defended by the heirs, assigns, devisees, legatees, or personal representatives of a deceased person against a corporation (or its assigns,) shall any person who is or has been an officer or agent of any such corporation be allowed to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person: *Provided*, That whenever the words "the opposite party" occur in this section it shall be deemed to include the assignors or assignees of the claim or any part thereof in controversy: *And provided further*, That whenever the deposition, affidavit or testimony of such deceased party taken in his life time shall be read in evidence in such suit or proceeding that the affidavit or testimony of the surviving party shall be admitted in his own behalf on all matters mentioned or covered in such deposition, affidavit or testimony.

Approved May 8, 1895.

Proviso.

Further proviso as to affidavit of deceased persons.

[No. 122.]

AN ACT to regulate the sale of goods marked "sterling," "sterling silver," "coin" or "coin silver."

Unlawful to sell or dispose of certain kinds of silverware.

SECTION 1. *The People of the State of Michigan enact*, A person who knowingly makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling" or "sterling silver," or encased or enclosed in any box, package, cover or wrapper, or other thing in or by which the said article is packed, enclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint,

mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing, that such article is silver, sterling silver, or solid silver, unless nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article is manufactured are pure silver, shall be deemed guilty of a misdemeanor.

When so offered
deemed guilty of
a misdemeanor.

SEC. 2. A person who knowingly makes or sells, or ^{idem.} offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "coin," or "coin silver," or encased or enclosed in any box, package, cover or wrapper, or other thing in or by which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing, that such article is coin or coin silver, unless nine hundred one-thousandths of the component parts of the metal of which the said article is manufactured are pure silver, shall be deemed guilty of a misdemeanor.

Approved May 8, 1895.

[No. 123.]

AN ACT to regulate the accounting by State institutions, to provide for the inspection thereof, and the removal of officers therefrom.

SECTION 1. *The People of the State of Michigan enact,* That the Auditor General, by himself or his general accountant, shall visit at least once in each year, each of the several State institutions in the State of Michigan, and thoroughly examine and inspect the books and accounts thereof, for the purpose of ascertaining if such books and accounts are accurately and properly kept.

Auditor General
to inspect books
and accounts of
State institu-
tions.

SEC. 2. In case the Auditor General, by himself or his general accountant, shall find any irregularity or irregularities in the accounting of any State institution, or by any officer receiving or disbursing moneys on account of the State of Michigan or shall find that the funds of any State institution, or in the custody of any receiving, disbursing or accounting officer have been, or are being used for any purpose other than that for which they have been appropriated or received, he shall immediately report the facts in the case in writing to the Governor.

In case of irreg-
ularities, to be
reported to Gov-
ernor.

SEC. 3. Upon receiving such report from the Auditor General or general accountant, the Governor shall immediately, or as soon thereafter as may be practicable, proceed in such manner as he may deem proper to make

On report of
Auditor General
Governor to in-
vestigate.

May suspend or remove from office.

Provide as to hearing before the Governor.

inquiry and investigation for the purpose of verifying the statements made in such report of the Auditor General or general accountant, and if satisfied that the statements and representations made by such Auditor General or general accountant are true, and of a character to warrant such action on his part, or if he shall find that any receiving or disbursing officer, or custodian of the funds of any State institution, is negligent or incompetent, he may, in his discretion, suspend or remove from office, the person or officer offending, or who is responsible for the custody and keeping of such funds: *Provided, however,* That in cases of removal, the officer or person offending shall have a hearing before the Governor upon written charges preferred by the Governor or other person or persons, and shall be given ten days' time after service of such charges in which to prepare and present an answer to the Governor, but such officer shall be and remain suspended pending such proceedings.

Auditor General to have access to all books and accounts.

SEC. 4. The Auditor General, by himself or his general accountant, shall at all times have access to the books and accounts of each and every State institution or in the hands of any officer or person receiving or disbursing money on account of the State, and shall direct and instruct as to the manner of keeping the books and accounts therein, so that the workings and transactions of each and every department of such institutions shall be clearly shown and exhibited to his satisfaction; and upon receiving such direction and instruction from said Auditor General or his general accountant, the officer responsible for the accounting in such institution, or for the custody of the moneys or funds received or disbursed on account of the State of Michigan, shall immediately proceed to inaugurate such a system of bookkeeping as the Auditor General or his general accountant may direct or prescribe.

Governor may order special investigation.

SEC. 5. The Governor may at any time order a special investigation to be made by the Auditor General or his general accountant, and require a report thereof to be made to him in writing, of the condition of the accounts or funds of any State institution or officer receiving or disbursing moneys on account of the State, and the Auditor General, by himself or his general accountant, may employ such assistance in making such investigation or in examining the books and accounts of any State institution, or officer receiving or disbursing moneys on account of the State, as may to him appear necessary for a prompt and proper performance of the work.

Quarterly statements to be made.

SEC. 6. The Auditor General, by himself or his general accountant, shall make to the Governor quarterly, and as much oftener as the Governor may require, a statement of the receipts and disbursements of moneys by each and every State institution, or officer receiving or disbursing moneys on account of the State.

Sec. 7. All expenses incurred by the Governor, the Auditor General, or general accountant, in carrying out the provisions of this act, shall be paid out of the general fund of the State from any moneys not otherwise appropriated, and shall be charged to the account of expenses of State officers. Expenses and how paid.

Sec. 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 8, 1895.

[No. 124.]

AN ACT to amend sections one and three of act number one hundred ninety-eight of the public acts of eighteen hundred seventy-nine, entitled "An act to provide for the regulation and enforcement of assignments for the benefit of creditors," approved May thirteenth, eighteen hundred seventy-nine, as amended by act number two hundred fifteen of the public acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, being sections eight thousand seven hundred thirty-nine and eight thousand seven hundred and forty-one of third Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and three of act number one hundred ninety-eight of the public acts of eighteen hundred seventy-nine, entitled "An act to provide for the regulation and enforcement of assignments for the benefit of creditors," approved May thirteenth, eighteen hundred seventy-nine, as amended by act number two hundred fifteen of the public acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, being sections eight thousand seven hundred thirty-nine and eight thousand seven hundred forty-one of third Howell's annotated statutes of Michigan, be and the same are hereby amended so as to read as follows:

SECTION 1. That all assignments commonly called common law assignments, for the benefit of creditors, shall be void unless the same shall be without preferences as between such creditors and shall be of all the property of the assignor not exempt from execution, and unless such instrument of assignment, or a duplicate thereof, an inventory of the assigned property, a list of creditors of the assignor, and a bond for the faithful performance of the trust by the assignee, shall be filed in the office of the clerk of the circuit court of the county where said assignor When assignments to be void,
Bond, where filed.

	resides, or, if he is not a resident of this State, then of the county where the assignee resides; if neither are residents of this State, then of the county where the assigned property is principally located, within ten days after the making thereof. Such assignment shall convey to the assignee all property of the assignor not exempt from execution, and all rights, legal or equitable of said assignor:
Proviso.	<i>Provided</i> , That no such assignment shall be effectual to convey the title to the property of the assignor to the assignee until such bond shall be executed, filed with, and approved by said clerk: <i>And provided further</i> , That no attachment or execution levied upon any assigned property of such assignor after such assignment and before the expiration of the time provided herein for filing such bond shall be valid or create any lien upon such property. The court, or circuit judge at chambers only, may, upon petition of any creditor and for cause shown, remove any assignee and appoint such person as assignee as to the court may seem for the best interests of the creditors and the assigned estate: <i>Provided</i> , Notice of such application shall be given by the person so applying to the assignor and each of the creditors who have filed proof of claim as the court or judge thereof may direct. In case of such removal, the assignee so removed, his executors or administrators, shall make and execute to the new assignee all deeds, conveyances and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate, and the court may make all orders which the judge thereof shall deem necessary or expedient to secure the proper fulfillment of the duties of any former assignee and the rights and interests of all persons interested in the estate. The removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successor, nor affect his liability or that of his surety on his bond.
Further proviso relative to attachment.	
When new assignee may be appointed.	
Proviso.	
Removal of assignee does not release responsibility.	
Rights under assignment.	SEC. 3. Every such assignment shall confer upon such assignee the right to recover all property, or right or equities in property which might be reached or recovered by any of the creditors of such assignor; the assigned property and assets of every name, nature and description shall be sold at public auction, or at private sale, as the circuit court in chancery, or the circuit judge at chambers only, of the proper county, on application to it for such purpose, may direct; and such property and assets shall be sold in one parcel, or separately, or may be disposed of in such manner as such court or said judge at chambers may deem for the best interests of the assigned estate: <i>Provided, however</i> , That all sales shall be for cash. And within ten days after the completion of the inventory of the assigned estate, it shall be the duty of the assignee to apply to the court, or the circuit judge at chambers only, for an order or direction as to the disposition of
Sale of property.	
Proviso as to cash sales. Assignee to apply to court for order as to disposition of assigned assets.	

the assigned assets or estate. Such application shall be by petition in writing, stating what, in the opinion of the assignee, is the most advantageous method of effecting such disposition; and notice thereof of not less than five nor more than twenty days shall be given by mail to the creditors whose names appear upon the list of creditors on file in the clerk's office. And proof [of] such service thereof by affidavit shall be made and filed in the office of said clerk prior to the day fixed for such hearing. It shall be the duty of every assignee to close his trust, if practicable, within one year from the date of the assignment. But the court, or circuit judge at chambers only, shall have power for any good reason, and upon cause shown, to extend the time allowed for that purpose for such further period or periods as may be reasonably necessary. But in case of application for any such extension, notice thereof shall be given, by mail or otherwise as the court or said circuit judge at chambers may direct, to each creditor who has filed proof of claim or whose name appears in the list of creditors filed in the clerk's office, and all such creditors shall have the right to appear and be heard with reference thereto: *And it is further provided, That the powers conferred upon a circuit judge at chambers by this act shall not be exercised by any circuit court commissioner.*

Application to be in writing.

When assignee to close his trust.

When extension of time may be granted.

Notice to be given.

Provide as to circuit court commissioner.

Approved May 8, 1895.

[No. 125.]

AN ACT to reorganize the seventh judicial circuit and the thirtieth judicial circuit, and to designate the places of holding court therein, and to create the thirty-fifth judicial circuit, and for the employment, duties and compensation of a stenographer of said thirty-fifth judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* That the county of Shiawassee is hereby detached from the seventh judicial circuit.

Territory detached.

SEC. 2. That the county of Livingston is hereby detached from the thirtieth judicial circuit.

Territory detached.

SEC. 3. That the county of Genesee is hereby formed into and constituted a judicial circuit to be known as the seventh judicial circuit.

Seventh judicial circuit.

SEC. 4. The county of Ingham is hereby formed into and constituted a judicial circuit to be known as the thirtieth judicial circuit.

Thirtieth judicial circuit.

SEC. 5. The counties of Livingston and Shiawassee are hereby formed into and constituted a judicial circuit to be known as the thirty-fifth judicial circuit.

Thirty-fifth judicial circuit.

Judges continue
to hold offices.

To hold court.

Office vacant,
how filled.

Notice of elec-
tion.

Duty of sheriffs
to notify clerks.

To post notices.

Election for cir-
cuit judge, how
conducted.

Canvass of votes
to be made.

Judge to qualify.

Successor, how
elected.

Holding court,
judge to fix time
for.

SEC. 6. That the judges of the said seventh judicial circuit and the thirtieth judicial circuit as heretofore organized shall continue to hold their offices as such circuit judges for said counties detached, and shall continue to hold court therein and perform all the functions of circuit judges thereof until a circuit judge shall be appointed or elected and shall qualify in said thirty-fifth judicial circuit.

SEC. 7. The office of circuit judge of the thirty-fifth judicial circuit hereby created shall be vacant from the time this act takes effect until filled by appointment, and which said vacancy shall be filled by appointment by the Governor. At the next general election to be held in the year eighteen hundred ninety-seven the qualified voters of the counties of Livingston and Shiawassee, said counties comprising the thirty-fifth judicial circuit, shall elect a circuit judge to fill the vacancy in said circuit, who shall hold his office, upon proper qualification, until his successor is elected and qualified.

SEC. 8. It shall be the duty of the sheriffs of the counties of Livingston and Shiawassee, at least thirty days previous to the next general election in eighteen hundred ninety-seven, to notify the township clerk of each township and ward inspectors of elections in each ward of any city in said counties of Livingston and Shiawassee, of said election of circuit judge, and such township clerks and ward inspectors shall post notices in the usual manner for such elections in townships and wards, at least ten days previous to the day of election.

SEC. 9. The said election for circuit judge shall be conducted and returns made as prescribed by law for the election of circuit judges for the several judicial circuits of this State, and the State board of canvassers shall, without delay, on receipt of the certified statements of the votes given in the said counties of Livingston and Shiawassee, proceed to canvass the votes and deliver to the persons elected a copy of their determination and certificate of election as required by law.

SEC. 10. The person so elected as judge of said thirty-fifth judicial circuit in eighteen hundred and ninety-seven shall, within ten days thereafter, qualify in the manner now provided by law for the qualification of circuit judges in this State; and his successor shall be elected at the time and in the manner now provided by law for the election of circuit judges.

SEC. 11. Within ten days after the circuit judge of the said thirty-fifth judicial circuit shall have been elected and qualified he shall, in manner provided by law, fix and determine the times for holding the several terms of court within his circuit, which appointments when so made shall remain unalterable until the time when by law it is made the duty of the circuit judges to fix and appoint the times of holding the several terms of court within their respective

circuits in this State. Until the time thus fixed and appointed becomes operative, the circuit court of the said thirty-fifth judicial circuit shall be held in each county comprising said thirty-fifth judicial circuit at the times last fixed by the respective judges thereof, as heretofore organized.

Where held.

SEC. 12. That a stenographer of said thirty-fifth judicial circuit shall be appointed by the Governor upon the recommendation of the circuit judge of said circuit court who shall be deemed an officer of said court and who shall before entering upon the discharge of his duties take, subscribe and file with the court of said circuit the constitutional oath of office, said oath to be administered by the circuit judge of said court.

Stenographer, Governor to appoint.

To file oath of office.

SEC. 13. The stenographer of said circuit shall hold office during the pleasure of the Governor; he may be suspended for misconduct by the court, and in case of the death or resignation of the stenographer or his inability to perform the duties of his office, the office shall be vacant, and it shall be the duty of the Governor, upon receiving notice of the facts upon the recommendation of the circuit judge, to fill said office by appointment. If said stenographer shall be temporarily incapacitated by sickness or absence, the circuit judge may appoint some competent person to act in his place.

Term of office.

In case of death or resignation.

If sick or absent.

SEC. 14. Said stenographer shall receive an annual salary of twelve hundred dollars to be paid monthly out of the county treasuries of said counties of Livingston and Shiawassee in proportion to the number of suits, law and chancery, entered and commenced in said circuit for said counties respectively the preceding year, upon the order of the clerks of each of said counties; said clerks being hereby authorized and directed to draw such orders, and the county treasurer to pay the same upon presentation. And it shall be the duty of the circuit judge of the said thirty-fifth judicial circuit on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in the circuit on the basis aforesaid.

Salary, how paid.

Clerk authorized to draw orders.

Judge to apportion amount to each county.

SEC. 15. In each and every issue of fact tried or heard before said court or jury the sum of three dollars shall be paid by the parties thereto in equal proportion to the clerk of said court, and the same shall be paid by said clerk to the county treasurer to apply upon the salary of said stenographer. The amount so paid may be taxed as costs by the prevailing party.

Fees charged in issue of facts.

How taxed.

SEC. 16. It shall be the duty of said stenographer to attend upon the court at each term under the direction of the court, and to take full phonographic notes of the testimony and other proceedings in the trial of cases. In case counsel for either party to any suit or proceedings shall desire a transcript of the whole or a part of the testimony or proceedings or any testimony in any case

Duty of stenographer.

Transcript of testimony to be furnished.

Compensation.	for the purpose of moving for a new trial or removing to the supreme court, it shall be the duty of the stenographer reporting said testimony or proceedings to furnish the same within such time as the judge who heard said cause or proceeding shall direct, and he shall be entitled to receive therefor from the party requiring it, the sum of six cents for each folio so transcribed, except that if both parties desire said testimony or more than one copy is desired, he shall furnish all copies after the first at the rate of two cents a folio, and such record shall be deemed the official record of the court. The money so paid the stenographer shall be recovered as a part of the taxable costs of the party on said motion or in the supreme court of such party recovering costs. The court may direct a transcript of the testimony upon any trial to be made and filed by the stenographer without cost to either party. And all such transcripts shall be deemed the official record of the court.
Official record.	
The court may direct transcript without cost.	
Not necessary for charge of court to be in writing.	SEC. 17. In all cases tried in said thirty-fifth judicial circuit in which said stenographer shall be employed, it shall not be necessary for the charge of the court to be in writing as provided by an act entitled "An act to declare and establish the practice in charging or instructing juries and in settling the law in cases tried in circuit courts," being act number sixty-seven of the session laws of eighteen hundred sixty-nine, approved March twenty-sixth, eighteen hundred sixty-nine.
Terms of court, number and where held.	SEC. 18. Not less than two regular terms of the circuit court for the county of Ingham in said thirtieth judicial circuit shall be appointed and held in the city of Lansing and at the county seat of said county, respectively, in each calendar year, and special or adjourned terms of said court may be appointed or ordered and held at either the county seat of said county of Ingham or the city of Lansing in said county, each adjourned term to be holden where its respective regular term is held: <i>Provided</i> , That the common council of said city of Lansing, or the citizens thereof, shall furnish and provide, free of expense to said county, a suitable place for holding said court within said city, and transacting the business thereof, and also a suitable and sufficient jail for the incarceration of prisoners during the sittings of said court, both to be inspected and approved by the judge of said court or the prosecuting attorney of said county, which approval shall be in writing and shall be filed with the clerk of said county.
Proviso as to holding court in Lansing.	
Court room and jail to be inspected and approved.	
Duty of the circuit judge to assist when requested.	SEC. 19. It shall be the duty of the circuit judge of the seventh judicial circuit, as hereby organized, to aid and assist the judge of the said thirtieth judicial circuit, when requested by him, in transacting the business of the last named circuit so far as he can without detriment to the business of his own circuit; and to that end it shall be lawful for any term of court commenced and held at Lansing or at the county seat to be continued and held
Where court may be lawfully held.	

at such place past the beginning of the next ensuing term called to convene elsewhere, and the judges of the thirtieth and the seventh or other judicial circuit may sit separately at said different places and try causes at the same time and on different term calendar, in the thirtieth judicial circuit at Lansing and at the county seat, as shall be designated by the judge of the thirtieth judicial circuit.

SEC. 20. All the expenses of the judge of the seventh judicial circuit in going from his place of residence for the purpose of so holding court and in returning thereto, together with the sum of not to exceed five dollars for each day he shall so hold court, shall be paid to the judge of the seventh judicial circuit to cover and reimburse him for his necessary expenses, which said sum shall, at the end of each time or term during which he shall so have held court, be allowed and paid to said circuit judge out of the county treasury of Ingham county, and the receipt of said circuit judge shall be a sufficient voucher to said county treasurer for the payment thereof.

Expenses of the judge, when and how paid.

SEC. 21. Whenever the circuit court for the thirtieth judicial circuit shall be in session at more than one place in said circuit at the same time, as herein provided, the stenographer of said judicial circuit shall, with the consent and approval of the judge of the thirtieth judicial circuit, appoint an assistant stenographer of said circuit, whose duty it shall be to attend upon one of the sessions of court so being held and to perform all the duties required by law to be performed by the stenographer of said circuit and upon the same terms and conditions; and the stenographer of said circuit shall pay the compensation of said assistant out of the salary herein provided for such stenographer, and no part of the salary or compensation of such assistant shall be a charge against or be paid out of the treasury of said county of Ingham.

Assistant stenographer, providing for and compensation.

SEC. 22. A deputy clerk shall be appointed by the county clerk of Ingham county, as provided by law, who shall attend upon each session of the court held in said city of Lansing, and shall maintain an office at said city of Lansing in the place appointed for holding said court.

Deputy clerk, how appointed, duty of the same.

SEC. 23. From and after the time when this act shall take effect the stenographer of the seventh judicial circuit shall be paid by the county of Genesee, and his salary shall be and hereby is fixed at the sum of twelve hundred dollars per annum.

Salary of stenographer, seventh judicial circuit.

SEC. 24. From and after the time when this act shall take effect the stenographer of the thirtieth judicial circuit shall be paid by the county of Ingham, and his salary shall be and hereby is fixed at the sum of fifteen hundred dollars per annum.

Salary of stenographer, thirtieth judicial circuit.

This act is ordered to take immediate effect.

Approved May 10, 1895.

[No. 126.]

AN ACT to prescribe the time within which circuit judges shall render opinions and sign decrees in chancery.

When circuit judge shall render an opinion.

SECTION 1. *The People of the State of Michigan enact,* That hereafter in all cases in chancery that have been commenced or hereafter to be commenced in any of the courts of this State, when the same are finally heard upon proofs submitted and arguments of counsel, the circuit judges shall within six months after the same have been finally submitted, render an opinion therein.

Approved May 10, 1895.

[No. 127.]

AN ACT to amend chapter seventy-seven of the revised statutes of eighteen hundred and forty-six relating to the sales of lands for the payment of debts by executors, administrators and guardians, the same being chapter two hundred and twenty-nine of Howell's annotated statutes of Michigan, as amended, by adding one new section thereto to stand as section number fifty-six of said chapter.

Chapter amended.

SECTION 1. *The People of the State of Michigan enact,* That chapter seventy-seven of the revised statutes of Michigan for the year eighteen hundred and forty-six, relating to the sales of lands for the payment of debts by executors, administrators and guardians, the same being chapter two hundred and twenty-nine of Howell's annotated statutes of Michigan, as amended, be and the same is hereby amended by adding one new section thereto to stand as section number fifty-six of said chapter.

License to sell real estate when value does not exceed certain amount.

SEC. 56. In any case where a license to sell real estate is applied for and it shall appear from the petition and from the testimony of two or more credible and disinterested freeholders, under oath in writing administered by said probate judge that the value of said real estate does not exceed the sum of five hundred dollars, the judge of probate may, in his discretion, after notice to all persons interested, as required by this chapter, grant a license to the executor, administrator or guardian to dispose of said real estate at private sale at the highest price obtainable not less than the value thereof as determined by said probate judge, which sale shall be approved and confirmed by said probate judge before any deed passing the title to said real estate so sold at private sale shall be valid and effectual: *Provided,* That said freeholders shall be well known to said probate judge and residents of the county

Provide.

where said real estate is situated, and that their said testimony shall be filed and permanently kept in the office of said probate judge: *And provided further*, That the provisions of this chapter relating to the oath and bond of the executor, administrator or guardian before a sale shall be applicable to sales under the provisions of this section; and all the other provisions of this chapter, except where plainly inapplicable, shall be applicable to sales under this section.

Further proviso as to oath and bond of executor, etc.

Approved May 10, 1895.

[No. 128.]

AN ACT to amend chapter seventy-eight of the revised statutes of eighteen hundred forty-six, relating to sale of lands of minors and other persons under guardianship and investing the proceeds for their use, the same being chapter two hundred thirty of Howell's annotated statutes of Michigan, as amended, by adding one new section thereto to stand as section twenty-six of said chapter seventy-eight.

SECTION 1. *The People of the State of Michigan enact*, That chapter seventy-eight of the revised statutes of eighteen hundred forty-six, relating to sales of lands of minors and other persons under guardianship and investing the proceeds to their use, the same being chapter two hundred thirty of Howell's annotated statutes of Michigan, as amended, be and the same is hereby amended by adding one new section thereto to stand as section twenty-six of said chapter seventy-eight.

Chapter amended.

SEC. 26. In any case where a license to sell real estate is applied for and it shall appear from the petition and from the testimony of two or more credible and disinterested freeholders, under oath in writing, administered by said probate judge, that the value of the said real estate does not exceed the sum of five hundred dollars, the judge of probate may, in his discretion, after notice to all persons interested as required by this chapter, grant a license to the guardian to dispose of said real estate at private sale at the highest price obtainable not less than the value thereof, as determined by said probate judge, which sale shall be approved and confirmed by the probate judge before any deed passing the title to said real estate so sold at private sale shall be valid and effectual: *Provided*, That said freeholders shall be well known to said probate judge and residents of the county where said real estate is situated, and that their said testimony shall be filed and permanently kept in the office of said probate judge:

When license to guardian may be granted to sell real estate.

Sale to be approved and confirmed by probate judge. Provide.

Further proviso
as to oath and
bond of guard-
ian.

And provided further, That the provisions of this chapter relating to the oath and bond of the guardian before a sale shall be applicable to sales under the provisions of this section, and all the other provisions of this chapter, except where plainly inapplicable, shall be applicable to sales under this section.

Approved May 10, 1895.

[No. 129.]

AN ACT to amend sections six, eighteen and twenty of chapter one hundred and fourteen of the revised statutes of eighteen hundred forty-six, entitled "Of proceedings against debtors by attachment," being compiler's sections seven thousand nine hundred and ninety-one, eight thousand and three and eight thousand five of Howell's annotated statutes, as amended by act number eight of eighteen hundred and ninety-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections six, eighteen and twenty of chapter one hundred and fourteen of the revised statutes of eighteen hundred forty-six, entitled "Of proceedings against debtors by attachment," being compiler's sections seven thousand nine hundred and ninety-one, eight thousand and three and eight thousand and five of Howell's annotated statutes, as amended by act number eight of eighteen hundred and ninety-one, be and the same are hereby amended so as to read as follows:

How writ exe-
cuted by sheriff
or officers.

§ 7991. SEC. 6. The sheriff or other officer to whom such writ shall be directed, shall execute the same on or before the return day thereof, by seizing so much of the lands, tenements, goods, chattels, moneys and effects of the defendant, wheresoever the same may be found in his county, as will be sufficient to satisfy the demand and costs, and by making an inventory thereof, and serving a copy of such attachment and inventory, certified by him, upon the defendant, if he can be found in his county; and in case any property of the defendant is found and seized in said county, but not sufficient to satisfy the demand and costs, then said officer shall seize other property of the defendant, subject to attachment, sufficient with that seized within his county to satisfy the demand and costs, wherever the same may be found within the State, and shall serve a copy of such attachment and inventory upon said defendant, if found within either county where property has been seized under this writ, and in case any defendant shall not be found in either county where property has been seized, such service may be made in any county within this State by the sheriff of the

In case property
seized is insuffi-
cient to satisfy
demand, other
property may be
attached.

county wherein such defendant may be: *Provided, however,* That in case of several attachments of the same property, it shall be necessary to make an inventory and serve a copy thereof only with the first.

Provide as to other attachments.

§ 8003. SEC. 18. If it appear by the return of such writ that any property has been attached thereon, and that neither of the defendants could be found, the plaintiff shall, within thirty days after such return, unless the defendants or some of them shall sooner appear in the suit, cause a notice to be published in some newspaper printed in the county for which said circuit court is held, and if no newspaper is printed in said county, then in some newspaper printed in the judicial circuit in which such writ shall be returned, which notice shall state the names of the parties, the time when, from what court, and for what sum the writ was issued, and when the same was returnable, and shall be published for six successive weeks, and if any plaintiff shall neglect to cause such notice to be so published, as required in this section, the attachment shall be dismissed with costs: *Provided,* That such notice may be personally served on any defendant wherever found, and in case of such service no publication thereof shall be required.

Proceedings on return of writ personally served.

§ 8005. SEC. 20. If a copy of the attachment shall not have been served upon any of the defendants and none of them shall appear in the suit, the plaintiff, on filing an affidavit of the publication of the notice hereinbefore required for six successive weeks or on filing due proof of personal service of such notice on any defendant not less than twenty days prior to the filing of such proof, may file his declaration in the suit, and proceed therein as if a copy of such attachment had been served upon the defendants.

When plaintiff may file declaration, etc., on filing affidavit of publication of notice.

Approved May 10, 1895.

[No. 130.]

AN ACT to provide for the erection and maintenance of shutes or ladders for the passage of fish through the dams across the Cass river and its tributaries in the counties of Saginaw, Tuscola, Sanilac and Huron, and to provide a penalty for violations of the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* That there shall be constructed and maintained in each dam now existing, or which may hereafter be constructed, across the Cass river, in the counties of Saginaw, Tuscola, Sanilac and Huron, in this State, sufficient and permanent fish shutes or fish ladders to admit of the free and uninterrupted passage of fish over or through such dam or

Erection of fish shutes in certain rivers.

dams during the months of March, April, May and June in each and every year; such shutes or fish ladders shall be put in or provided for such dam or dams in such manner as shall be prescribed by the board of fish commissioners of this State.

Owners to erect and maintain shutes.

SEC. 2. In respect to the construction and maintenance of fish shutes or fish ladders in or through any dam or dams across the said Cass river or its tributaries owned by any firm, corporation, company, person or persons, the duties and liabilities imposed by this act shall devolve and be imposed upon the president, secretary or agent of such firm, or agent of such firm, corporation, company, person or persons. The Game and Fish Warden of this State is hereby made inspector of dams across the Cass river and its tributaries, and it shall be his duty to prosecute in the name of the people with the aid of the prosecuting attorney of any county in all cases where the provisions of this law are not complied with.

Inspector of dams.

Penalty for neglecting to comply with the provisions of this act.

SEC. 3. If the owners or occupant or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across the said Cass river or its tributaries, which is now built, or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to construction and maintenance in good repair of such shutes or fish ladders in any such dam or dams, after being notified in writing by the said Game and Fish Warden to construct the same, he or they shall be deemed guilty of a misdemeanor, and for each and every thirty days that such owner or occupant shall neglect or refuse to comply with all the provisions applicable to him or them, he or they shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court. In case the owner or occupant of any dam shall fail to construct a shute or fish ladder, as provided in this act, then and in such case, on the petition of thirty freeholders of any county through which the said Cass river or its tributaries flow, across which such dam or dams may be constructed, the game and fish warden shall cause to be constructed a suitable shute or fish ladder, as provided for by section one of this act, at such place in the dam as will cause the least injury to the water power, and the expense of the construction of such shute or fish ladder shall be certified by the State Game and Fish Warden and audited by the board of supervisors in the county in which said service was rendered, and be paid out of any money belonging to the general fund of the county not otherwise appropriated.

When game and fish warden to cause shute to be constructed.

Expenses, how paid.

SEC. 4. The board of supervisors of any county upon auditing and allowing such expense shall, by resolution, order the supervisor of the township or ward in which

such dam or dams are situated to spread the same upon the tax roll of said township or ward assessed against the property to which said dam or dams are appurtenant and the owner or owners thereof, to be collected in the same manner as other township taxes, and to be paid over to the county treasurer, or returned as delinquent, as the case with other county taxes levied upon lands within said township. In no case shall the owner of the dam in the county in which it is situated be required to pay more than fifty dollars for the building of a shute.

Owner to pay certain amount.

This act is ordered to take immediate effect.

Approved May 10, 1895.

[No. 131.]

AN ACT to amend section nineteen of chapter three of act number one hundred sixty-four of the session laws of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," approved May twenty-one, eighteen hundred eighty-one, being section five thousand seventy-one of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section nineteen of chapter three of act number one hundred sixty-four of the session laws of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," approved May twenty-first, eighteen hundred eighty-one, being section five thousand seventy-one of Howell's annotated statutes, be amended so as to read as follows:

SEC. 19. The district board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils and collect the same, which tuition shall not be greater than fifteen per cent more than the average cost per capita for the number of pupils of school age in the district. Children who are being cared for at county expense shall be admitted to the school in the district whose schoolhouse is nearest the county house, on the same terms that other non-resident pupils are admitted. When non-resident pupils, their parents or guardians, pay a school tax in said district, such pupils shall be admitted to the schools of the district, and the amount of such school tax shall be credited on their tuition a sum not to exceed the amount of such

District boards may admit non-resident pupils and make rates of tuition.

Children who are a county charge to be admitted the same as non-resident pupils.

tuition, and they shall only be required to pay tuition for the difference therein.

Approved May 10, 1895.

[No. 132.]

AN ACT to better protect the rights of infants and persons under guardianship, by providing for the taking of appeals in proceedings affecting their estates.

Persons under guardianship, next of kin may appeal from order of court.

SECTION 1. *The People of the State of Michigan enact,* That the husband, wife or next of kin of any person under guardianship, may appeal from any order of the probate court or the circuit court in chancery, allowing the account of the guardian or guardians of such person under guardianship or any other order of such courts directing or sanctioning any action of such guardian affecting the estate of such person under guardianship, upon the same terms and conditions as is or may be provided by statute for appeals from other orders of such courts, such appellant being hereby authorized to prosecute such appeal in any court into which said proceedings may be removed the same as any other person appealing.

Approved May 10, 1895.

[No. 133.]

AN ACT to amend section nine of act number sixty-five of the laws of eighteen hundred sixty-nine, entitled "An act to provide for the further geological survey of the State," approved March twenty-sixth, eighteen hundred sixty-nine, as amended by subsequent acts, being section five thousand four hundred seventy-four of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine of act number sixty-five of the laws of eighteen hundred sixty-nine, entitled "An act to provide for the further geological survey of the State," approved March twenty-sixth, eighteen hundred sixty-nine, as amended by subsequent acts, being section five thousand four hundred seventy-four of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Appropriation for expenses.

SEC. 9. To carry into effect the provisions of this act, the sum of eight thousand dollars for each year, until the completion of said survey, is hereby appropriated to be drawn from the treasury as needed. The accounts of the

members of the board for official services and all other expenses authorized by law shall first be certified to be correct by said board, and shall be paid out of the State treasury upon the warrant of the Auditor General from the fund appropriated for that purpose: *Provided*, No part of said appropriation shall be used for printing reports.

Provide as to printing reports.

Approved May 10, 1895.

[No. 134.]

AN ACT to define how certain fire insurance organizations known as "Lloyds associations," may be entitled to do business in this State.

SECTION 1. *The People of the State of Michigan enact*, That whenever any number of individuals, citizens of the United States, associate themselves within this State or elsewhere for the purpose of doing an insurance business upon the plan known as "Lloyds," whereby each becomes liable for a proportionate part of the whole amount insured by a policy executed by them, shall deposit with any bank or trust company of the United States, approved by the Commissioner of Insurance of this State, two hundred thousand dollars in cash or securities, approved by the Commissioner of Insurance, for the security and benefit of the holders of policies issued by them, and shall cause a report to be made under oath of their financial standing, and of the character and the value of the securities constituting the two hundred thousand dollars aforesaid, which report shall be attested by the general manager or attorney in fact of said individuals, together with a statement of the business done by them during the year next preceding such statement, in the same manner and form and at the same time as is now required by law of insurance corporations organized under the laws of other states or countries, and shall pay into the hands of the State Treasurer a specific tax of three per cent annually on the gross amount of premiums received in money or securities on insurance effected on property in this State, and shall at the same time appoint an attorney in fact in this State upon whom process can be served as upon all of said individual underwriters so associated, then and in that case the Commissioner of Insurance shall issue to said individuals under the associate name which they may or shall adopt, a certificate of authority to transact the business of insurance, in this State, subject to the laws of this State that now govern fire insurance companies of this and other States authorized to do business in this State.

Lloyds insurance associations may do business in Michigan.

To be approved by commissioner of insurance.

To pay to State Treasurer specific tax.

Commissioner of Insurance may issue certificate of authority to do business.

Approved May 11, 1895.

[No. 135.]

AN ACT to provide for the holding of primaries in cities of not less than fifteen thousand inhabitants and not over one hundred fifty thousand inhabitants, and to punish frauds thereon, and by delegates elected thereat, and the corruption and attempted corruption of such delegates.

How the word
"primary" to be
construed.

SECTION 1. *The People of the State of Michigan enact,* That the word "primary" in this act shall be construed to mean an assemblage of voters of any political party duly convened for any of the purposes set forth in this act, and that the words "primary elections," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or delegation therefrom, for the purpose of choosing candidates for office, or for choosing delegates to any convention or conventions to be held by the party holding such primary, or for the purpose of electing officers of any political organization, convention or association.

Primaries to be
held in the dif-
ferent wards at
the same time.

Provido as to
holding pri-
maries in voting
precincts.

In case ward
fail to hold pri-
mary, shall not
be represented
in convention.

Time of holding
primaries to be
determined by
committee.

Notice of time
for holding.

SEC. 2. The primaries of any political parties in cities included in this act, shall be held by the several wards of each such city, and all the wards shall hold their primaries for the same party at the same time: *Provided,* That in any city whose population is fifty thousand and not more than one hundred and fifty thousand, such primaries may, by direction of the principal committee of any party organization in any such city, be held by the voting precincts of the several wards of said city. Any ward or precinct failing to hold its party primary at the time designated therefor, as provided in section three of this act, shall not be represented at the election or convention of its party, so far as relates to the special purpose for which such primary was called.

SEC. 3. The time for holding the primaries in any city shall be determined by the principal committee of the party having in charge the particular matter for which the primary is called. Notices of the time for holding said primaries shall be given by the city or ward committee of the respective parties in the same manner as provided in section nine of act three hundred and three of the session laws of one thousand eight hundred and eighty-seven, as amended by act one hundred and seventy-five of the session laws of one thousand eight hundred and ninety-three.

Council may pro-
vide booths after
notice from
chairman that
booths are re-
quired.

Provido as to no-
tice on clerk.

SEC. 4. The common council of any city embraced in this act may, in their discretion, cause the election booths of their respective cities to be provided or erected within ten days after they shall have received notice from the chairman of any duly organized committee, whose duty it shall be to call the same, that the booths will be needed for holding a primary: *Provided,* That the chairman of such committee shall serve such notice upon the clerk or

recorder of said city, at least twenty days before the time fixed for holding such primary.

SEC. 5. The primaries in any city affected by this act shall be held between the hours of two and eight o'clock p. m., standard time. Time of holding primaries.

SEC. 6. Each primary shall be presided over by a board of inspectors, which shall be composed of a chairman, who shall be a member of the ward committee of the party holding said primary, residing in the ward where the primary is held, and of two qualified voters chosen from the residents of said ward, and who shall belong to the party holding such primary. Each political party desiring to hold primary elections shall, at the first primary election after this act takes effect, elect a member of the ward committee and two inspectors of primaries for each ward or voting precinct, whose term of office shall be for two years. At the first primary held after this act takes effect, each political party shall choose two inspectors, and if there be no member of its ward committee, also a chairman of such committee, by a *viva voce* vote of the electors of the party holding such primary present at the opening of said primary. And if any member of such board of primary inspectors shall be absent, or for any reason be disqualified from sitting on the board of which he is a member, such vacancy shall be filled by a *viva voce* vote of the voters of the party holding such primary at the opening of the same. Board of inspectors to preside at primaries.

SEC. 7. No voter whose name does not appear on the registration list of the last preceding election, or when the committee of any party shall have adopted party registration and his name does not appear upon [such] each party registration books, shall be allowed to vote at any primary: *Provided*, If any qualified voter whose name does not appear on said registration list or on the adopted party registration, and who desires to vote at such primary, the chairman of the board of primary inspectors shall administer to him the following oath: "You do solemnly swear that you are a resident of this ward or voting precinct; that you reside at (here state the place of residence where said proposed voter claims to reside); that you have lived there more than ten days prior to this day; that you are a member of the (here name the party holding the primary); that you are a qualified voter of this State and of the United States, and that you have not voted at any other primary election in any other ward or voting precinct than this since last election, so help you God." If after taking the foregoing oath said voter shall be challenged on the ground that he is not a resident of said ward or voting precinct, the board of inspectors shall, before his vote is received, require him to produce before said board, some well known and reputable resident of said ward or voting precinct, who will make oath that he Members of ward committee.

Two inspectors to be chosen.

Vacancy, how filled.

Who eligible to vote at primaries.

Proviso as to administration of oath.

In case voter challenged to produce proof as to qualification for voting.

knows the person desiring to vote, the place of residence of said person, how long he has lived there, his occupation, and to answer such other questions as may be put to him concerning the qualifications of said applicant to vote at said primary. If from the oath of such person the board is satisfied that such applicant is a qualified voter and resident of said ward or voting precinct, said vote shall be received, otherwise it shall be rejected. Any person swearing falsely under the provisions of this section, upon conviction thereof before any court of competent jurisdiction, shall be subject to all the pains and penalties of perjury.

SEC. 8. Only qualified voters identified with the party or organization holding such primaries, and who shall be residents of the ward or precinct when such caucus or primary is held for ten days or more prior to the date of the holding of such caucus or primary, shall be permitted to vote thereat, and if any person shall be challenged on the ground that he is not a member of such party he shall be required to take the following oath, to be administered by any person authorized by law to administer oaths:

STATE OF MICHIGAN, }
COUNTY OF } ss.

I do solemnly swear that I am a (name of party or organization) and a resident of this ward for the last ten days, and am in sympathy with its aims and objects, and will support its principles and objects, so help me God.

(Signature)

Attest of notary public, Sworn to and subscribed before me this day of 189.....

.....
Notary public (or other proper officer authorized to administer oaths), ... county, Michigan.

Penalty for false swearing. If any person who takes the foregoing oath swears falsely he shall upon conviction thereof be subject to all the pains and penalties of perjury.

Challenged voter to wait until other voters have voted. **SEC. 9.** If at the time a person proposing to vote is challenged there are several persons waiting their turn to vote, said challenged person shall stand to one side until after unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of: *Provided*, That if any person shall challenge a qualified voter, resident of such ward or voting precinct, well known as a member of the party or organization holding such primary, for the purpose of annoying or delaying voters, he shall be deemed guilty of a misdemeanor.

Two parties not to hold primaries on same day. **SEC. 10.** No two parties or organizations shall call their primaries for the same day, and the chairman of

each of the principal committees of the parties having in charge the primaries to be held for any stated purpose shall notify the city clerk or recorder of the time fixed for his party primaries within twenty-four hours after the same is determined, and such day shall be considered as secured to the party whose committee chairman has first given notification thereof.

SEC. 11. The common council of any city embraced in this act may cause all of the different political organizations in any city where booths are provided by said city to hold their primaries within a given time, and shall provide suitable ballot boxes for said primaries. Council to cause political parties to hold primaries at certain times.

SEC. 12. If any voter shall solicit from any candidate for election at any primary, or from any other person, or shall receive, directly or indirectly, from such candidate or from any other person any money, or promise of place or position or any valuable consideration of any kind, for his vote or support at such primary, or for his attendance thereat, or if any person shall vote at more than one party primary, each held for the nomination of the same class of officers or delegates before any one election, he shall be deemed guilty of a misdemeanor. Misdemeanor to solicit money from candidates.

SEC. 13. Any person who shall hire any carriage or other conveyance, or cause the same to be done, for conveying voters, other than those physically unable to walk thereto, to any primary conducted hereunder, or who shall solicit any person to cast an unlawful vote at any primary, or who shall offer to any voter any money or reward of any kind, or shall treat any voter or furnish any entertainment to any voter, or shall promise any place or position for the purpose of securing such voter's vote, support or attendance at such primary or convention, or shall cause the same to be done, shall be deemed guilty of a misdemeanor. Candidate influencing voter with money or reward of any kind deemed guilty of a misdemeanor.

SEC. 14. No delegate elected to any city or county convention shall give a proxy to represent him at such convention. All vacancies occurring in any delegation to any convention shall be filled by a majority vote of such delegation: *Provided*, That such delegation shall not be permitted to fill any vacancy which may occur in its number by any person not a resident of the ward from which such absent delegate was chosen, and any person not duly elected or chosen as hereinbefore set forth, who shall sit as a member of a delegation in any convention, or who shall secure his election thereto by the offer of any valuable consideration whatever, or by the promise of any reward, place or position, shall be deemed guilty of a misdemeanor. Proxies not to be given, delegation to fill vacancies. Provide as to delegation filling vacancies. Who deemed guilty of a misdemeanor.

SEC. 15. Any delegate or member of any convention, or any other person who shall solicit any candidate for election or nomination before said convention for money, reward, position, place or preferment for his support in such convention, shall be deemed guilty of a misdemeanor. When delegate deemed guilty of a misdemeanor.

Registration of voters.

Committee may make rules as to registration in ward books.

Proviso as to parties whose name does not appear on books.

Delegates to be elected by ballot.

In case of tie, candidates to draw lots with slips.

Manner of drawing slips.

SEC. 16. The board of inspectors shall cause the name and residence of each voter to be registered at any primary at the time of depositing his ballot: *Provided*, This section or act shall not preclude the city committee of any city coming within its provisions adopting rules before the holding of any such primaries that require party registration of the voters of such party in each ward, in books to be provided by such committee, such books to be used on the day on which the primaries are held; and when such rules have been adopted and registration had, then only the persons registered as party voters can vote at said primary election: *Provided*, That any person whose name does not appear on the books of party registration shall be allowed to vote upon taking the oath prescribed in section seven. Said registration, after the result has been declared, shall be deposited with and preserved by the city clerk.

SEC. 17. The delegates to a convention shall be elected by ballot and in the following manner: The inspectors shall provide suitable blanks of uniform size and color, not less than three by six inches, to be used as ballots, and at each primary the names of all the delegates to be voted for shall be written or printed on one ballot, and no name shall appear more than once on the same ballot. The person receiving the highest number of votes shall be declared elected a delegate, the person receiving the next highest number of votes shall be declared the next delegate, and so on in like manner until the full number of delegates to which the ward or precinct is entitled shall have been declared elected, and the person receiving the highest number of votes at any primary for any ward office shall be declared the nominee of the party holding said primary for the particular office for which he has been named: *Provided*, That in election of delegates to a convention or in the election of a candidate for any ward office, if it shall appear on counting the votes polled at any primary that two or more persons have received an equal number of votes for the same office and that a failure to elect to any office is caused thereby, such persons shall proceed to draw lots for the election to said office in the following manner: The board of inspectors for the ward or precinct where such tie may occur, shall prepare as many slips of paper as there are such persons who have received the same number of votes, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible. Said slips shall be placed in a box and each of such persons aforesaid, or in his absence some disinterested person acting for him, may draw one of said slips from the box and such person drawing a slip on which is written the word "elected" shall be deemed legally elected

as representative or nominee of the party holding such primary for the office in question, and the board shall forthwith give him a certificate of such election.

SEC. 18. The common council of any city of less than fifteen thousand population not embraced in this act may, by ordinance on confirmation of the voters of such city, conduct their primaries in the same manner as those cities embraced in this act under fifty thousand population.

How cities of certain population may conduct primaries.

SEC. 19. All the provisions of act three hundred three, of the session laws of one thousand eight hundred and eighty-seven, and of all acts amendatory thereto, shall remain and be in force in the cities embraced in the provisions of this act, and have the same force as in the State at large, except as to such matters as are herein specially provided for and applicable to such cities.

What acts to remain in force.

SEC. 20. This act shall apply to all cities of this State having a population of fifteen thousand and not more than one hundred and fifty thousand inhabitants; the population of said cities to be determined from the last federal or State census as the case may be.

Act to apply to cities having a certain population.

SEC. 21. Any person found guilty of any offense defined in this act as a misdemeanor, shall, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars nor more than five hundred dollars, or to be confined in the county jail not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court.

Penalty for violation of act.

SEC. 22. Any person who shall influence any voter, delegate, candidate or other person to violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and punishable as hereinbefore provided.

Further penalty for violation of act.

Approved May 13, 1895.

[No. 136.]

AN ACT to provide for procuring copies of land plats necessary in the Auditor General's office and which were not required by law to be recorded in said office at the time such plats were made.

SECTION 1. *The People of the State of Michigan enact,* That whenever the identification of lands and the division of descriptions thereof for the payment of taxes or for the making of tax histories makes it necessary that a copy of any plat of any town, city, village or addition thereto or subdivision thereof be procured for the Auditor General's office, if said plat is recorded in the office of the register of deeds of the county where such lands are situate, upon application of the Auditor General, the register of deeds shall make and furnish the Auditor General with a certi-

Certified copies of land plats to be made for Auditor General's office.

fied copy of such plat: *Provided*, That no copy of any plat shall be required or made under the provisions of this act if said plat or a copy thereof is recorded in the office of the Auditor General or is required by law to be so recorded, or if a copy thereof is procurable in any published atlas which may be purchased at a cost not in excess of the price for which it was published.

Fees of register
of deeds.

SEC. 2. The register of deeds making and furnishing such copies of plats as so required shall receive for each plat, made upon good muslin-backed paper, eighteen by twenty-four inches in size, twenty cents per folio, one hundred words, and in addition to the written matter of such plats, each block on such plat shall be counted as one folio. Whenever such plat shall include unplatted lands, each parcel of land thereon which is not divided into lots and which is bounded on three or more sides by streets shall be deemed a block for the purposes of this act. Such bills of register of deeds shall be paid by the State Treasurer upon the warrant of the Auditor General and charged to expense of collection of delinquent State tax, but the total amount audited and allowed for such bills shall not be more than five hundred dollars in any one year.

Bills of register
of deeds shall be
paid by State
Treasurer.

Approved May 13, 1895.

[No. 137.]

AN ACT to amend section one of act number two hundred four, session laws of eighteen hundred eighty-nine, entitled "An act to authorize the township board of any township in the upper peninsula to license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate and license the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the township, for that purpose, or from any stand, cart, vehicle, or other device, in the streets, highways, or in or upon any wharves, docks, open places or spaces, public grounds or buildings in the township, and to provide a forfeiture for every person who, without license, or contrary to the terms of any license granted to him, shall exercise any occupation or trade, or do anything in respect to which any license shall be required, by any resolution or regulation of the township board, made or passed under authority of this act;" and to repeal section six of chapter twenty one of the revised statutes of eighteen hundred forty-six, as amended by the several acts amendatory thereof, being sections twelve hundred fifty-seven to twelve hundred sixty-six, inclusive, of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one of act number two hundred four, session laws of eighteen hundred eighty-nine, entitled "An act to authorize the township board of any township in the upper peninsula to license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate and license the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing, by persons going about from place to place in the township for that purpose, or from any stand, cart, vehicle or other device, in the streets, highways, or in or upon any wharves, docks open places or spaces, public grounds or buildings in the township, and to provide a forfeiture for every person who, without license, or contrary to the terms of any license granted to him, shall exercise any occupation or trade, or do anything in respect to which any license shall be required by any resolution or regulation of the township board, made or passed under authority of this act," be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Township boards in upper peninsula to license hawkers and peddlers.
That it shall be the duty of every township board of any township in the State, at a regular or special meeting thereof, to license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate and license the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing, by any persons going about from place to place in the township for that purpose, or from any stand, cart, vehicle or other device, in the streets, highways, or in or upon any wharves, docks, or open places or spaces, public grounds or public buildings in the township: *Provided,* That in no case shall such license exceed the sum of one hundred dollars per year for peddling in such township; nor shall anything contained in this section be construed to prevent any person from purchasing any fish, cattle, sheep or swine for the purpose of peddling such fish or the meat of such animals in the country outside of any incorporated city or village. Proviso as to amount of license.

SEC. 2. That section six of chapter twenty-one of the revised statutes of eighteen hundred forty-six, as amended by the several acts amendatory thereof, being sections twelve hundred fifty-seven to twelve hundred sixty-six, inclusive, of Howell's annotated statutes, be and the same are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 13, 1895.

[No. 138.]

AN ACT to authorize examining magistrates, in certain cases, to exclude from the place of examination all bystanders and other persons not required to be in attendance.

When examining magistrates may exclude from place of examination all bystanders.

SECTION 1. *The People of the State of Michigan enact,* That on the preliminary examination of every person charged with the offense of rape, assault with the intent to commit rape, seduction, adultery, bastardy, or other offense against chastity, morality or decency, it shall be in the discretion of the examining magistrate to exclude from the place where such examination is held, any or all persons, not officers of the court, or persons by law required to be in attendance.

Approved May 13, 1895.

[No. 139.]

AN ACT to authorize any corporation organized under the laws of the State of Michigan to change its name.

Name of any corporation organized under the laws of this State, how changed.

SECTION 1. *The People of the State of Michigan enact,* That where no other provision is especially made, any corporation heretofore or hereafter organized under the laws of this State may amend its articles of association by the adoption of a new name for such corporation, by a vote of not less than two-thirds in interest of all its stockholders, but before it shall commence any business under its amended articles, the said corporation shall cause such amendment or amendments, subscribed by at least two-thirds in interest of all its stockholders, and certified by its president, to be filed or recorded, as the case may be, in the same manner as is provided for in its original articles of incorporation, and when so recorded, such amendment or amendments shall become a part of the articles of incorporation of such company: *Provided, however,* No two corporations shall assume the same name, nor a name that shall be so similar as to be liable to mislead.

Provide as to names of corporations.

This act is ordered to take immediate effect.

Approved May 11, 1895.

[No. 140.]

AN ACT to provide for the payment to the State Treasurer of all moneys given to the Regents of the University in trust to expend the income thereof, and for the payment of interest upon all such moneys by the State to the Regents of the University in furtherance of said trust.

SECTION 1. *The People of the State of Michigan enact,* That whenever any money or other property, of whatever nature and kind, with directions or with power to convert the same into money, is or shall be given to the Regents of the University upon trust to expend the income thereof in furtherance of any of the objects of the University, it shall be the duty of the Regents to pay such money to the State Treasurer, and the Auditor General be and he hereby is required to credit to the University interest fund interest not to exceed the rate of four per cent per annum upon all such moneys from and after the first day of the month next after such moneys have respectively been received by said State Treasurer, and to draw his warrant upon the State Treasurer for the same. And the State Treasurer is hereby required to pay the same to the treasurer of the University upon his application therefor in the same way and manner as is now provided by law for the payment of the university fund: *Provided,* That said interest shall not be paid from the specific tax fund.

Money, etc., to be given in trust for the use of University—

to be paid to State Treasurer;

to draw interest.

Provide as to special tax fund.

SEC. 2. The interest so paid as provided in the preceding section shall be expended by the regents in strict accordance with the terms of the trust upon which the money or other property as aforesaid was originally given, and in no other manner.

Interest, how expended.

Approved May 11, 1895.

[No. 141.]

AN ACT to regulate and fix the fees in the office of the Secretary of State.

SECTION 1. *The People of the State of Michigan enact,* That there shall be paid to the Secretary of State the following fees:

Fees for filing articles of association to be paid to Secretary of State.

For filing articles of association, or amendments or certificates relating thereto, fifty cents each;

For recording articles of association, or amendments or certificates relating thereto, twenty cents per folio of one hundred words;

Amounts.

For making and certifying to copies of any act or resolution of the Legislature, or of any record, proceedings or papers kept in his office, twenty cents per folio of one hundred words: *Provided*, That no fee for any such record or certified copy shall be less than fifty cents;

For all certificates and seals thereto, twenty-five cents.

When collected
to be paid into
State treasury

SEC. 2. All fees collected under the provisions of this act, shall be paid into the State treasury and placed to the credit of the general fund.

Repealing
clause.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 11, 1895.

[No. 142.]

AN ACT to provide for the bulletining of the arrival of passenger trains.

Bulletins for
record of time of
arrival of pas-
senger trains to
be displayed at
certain stations.

SECTION 1. *The People of the State of Michigan enact*, That every corporation, company or person, operating a railroad within this State shall, immediately after the taking effect of this act, cause to be placed in a conspicuous place in each passenger depot of such company, located at any station in this State, at which there is a telegraph office, a blackboard of suitable size, upon which such company or person shall cause to be written, at least twenty minutes before the schedule time for the arrival of each passenger train stopping upon such route at such station, the fact whether such train is on schedule time or not, and if late, how much, and the station at which such train was when report was received: *Provided also*, That any passenger train not more than five minutes late shall be deemed to be on time as to the operation of this act.

Penalty for vio-
lation of this act.

SEC. 2. That for each violation of the provisions of this act in failing to report or in making a false report, such corporation, company, or person, so neglecting or so refusing to comply with the provisions of this act, shall forfeit and pay the sum of twenty-five dollars, together with all taxable costs, to be recovered in a civil action to be prosecuted by the prosecuting attorney of the county in which the neglect or refusal occurs, in the name of the State of Michigan, which shall be paid over to the county in which such proceedings are had, and shall be part of the common school fund.

Approved May 13, 1895.

[No. 143.]

AN ACT to amend sections numbered nine, eleven, thirteen fourteen, fifteen, sixteen and thirty-one, of an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, one thousand eight hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections nine, eleven, thirteen, fourteen, fifteen, sixteen and thirty-one of an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, one thousand eight hundred and ninety-three, be and the same are hereby amended so as to read as follows:

SEC. 9. If any railroad company operating a railroad which crosses any such street or highway and the representative board or officer are unable to agree, in accordance with the provisions of section two of this act, or if such agreement having been made fails to become enforceable by reason either of a failure to agree with the abutting property owners or with any street railway company under the provisions of section three of this act, or of a finding of the commissioners hereinafter provided for against the necessity of the proposed separation of grades, then on presentation to the board of railroad and street crossings of a certificate made by such representative officer, or of a certified copy of a resolution passed by said representative board or boards, or when more than one board is interested, by any one of them declaring that the separation of the grades at said crossing is necessary for the public benefit, or on presentation to said crossing board of a petition signed by twenty owners of real estate abutting on said street or highway, praying said board to investigate the necessity of separating the grades at such crossing, it shall thereupon be the duty of the said board to investigate the necessity of the separation of the grades at such crossing. Before proceeding with such investigation said board shall cause a notice of the time and place at which the investigation will commence to be served at least ten days before the time set for the investigation upon the prosecuting attorney of each county interested, if any, and upon the highway commissioner of each township interested, if any, upon the city attorney of the city interested, if any, either personally or by leaving such notice at the office of such prosecuting attorney or city attorney or commissioner, with some person in charge thereof, or if such office is not open so as to admit of service, by leaving such notice at the residence of such attorney or commissioner, with some person of suitable age and discretion. Within the same time said board

When board to investigate as to necessity of separation of grades.

Notice to be served upon whom.

When notice to be served on railroad company.

Who may attend investigation.

Proviso as to maximum grade.

Plans showing details of construction.

Profile and map to be made.

Report to be made as to plan adopted.

shall cause such notices to be served upon each railroad company interested in said crossing by leaving a copy thereof at the principal business office of such company situate within this State with either the president, vice president, general superintendent, or general manager of such company, or if none of said officers can be found, then by leaving said copy with any officer or agent of said company in charge of any of its stations or depots within this State. Any corporation or body politic so notified, and any other person interested in said crossing may attend upon said investigation. If the board or a majority thereof determine that a separation of grades is necessary they shall determine whether the grade of said railroad or railroads shall be raised or lowered, and how much, and whether the grade of said street or highway shall be raised or lowered, and how much: *Provided*, That in such separation of the grades the maximum of one foot in ten for the new grade of the street or highway and one foot in one hundred for the new grade of the railroad shall not be exceeded. And having determined the manner of making such separation as they, or a majority of them shall deem best, they shall also estimate as near as may be and determine the cost and expense of doing and constructing the work provided by section twenty-seven, to be done by said railroad company or companies, and the portion of such cost or expense if any, which it would be just and equitable that the city, county or township, by whom it is provided herein, the expense of such separation shall be paid, shall pay to said company or companies, as its fair share thereof, and they shall also determine the cost and expense of the work to be done or constructed by the city, county or township as provided by said section twenty-seven, and the portion thereof, if any, which would be just and equitable, that said company or companies should pay to said city, county or township, as its or their fair share of the said cost and expense. They shall adopt a plan showing the details of construction necessary for the separation of the grades at such crossings by carrying such street or highway either over or under said railroad or railroads, as they or a majority of them shall deem best. They shall have an accurate profile and map made of those portions of the street or highway and railroad or railroads of which the grade is to be changed. They shall make report signed by a majority of the said board, setting forth in detail the plan by them adopted as aforesaid, to which report shall be attached as a part thereof the plan of construction, and profile and map above referred to and in which report shall be stated the cost and expense as determined by them of doing and constructing the work to be done by said railroad company or companies and the portion thereof, if any, which it would be just and equitable that the city, county or township shall pay to said company or companies, as above provided, and also the cost and expense of the work

to be done or constructed by the city, county or township and the portion thereof, if any, which would be just and equitable that said company or companies should pay to said city, county or township, as above provided, which report shall be filed in the office of the city attorney of the city when the crossing is within a city or on a line between a city and the county, and in the office of the prosecuting attorney of any county where the crossing is outside of any city and within such county, or on the line between such county and any other county or counties. To assist said board in determining upon and making said plan, profile, map, estimates, and the report herein mentioned, they may employ an engineer, and such clerical assistance as they may need. The expense of such employment shall be audited and paid in the same manner as provided for their other expenses.

Where filed.

Engineer and clerical assistance may be employed.

SEC. 11. Said prosecuting attorney or city attorney, as the case may be, shall forthwith prepare and file in the name of the county, township, or city in the court having jurisdiction of the proceedings, a petition signed by him in his official character, and duly verified by him, to which petition a certified copy of the resolution, or certificate of the representative board or officer referred to in section three, or of the report of said railroad and street crossing board, as the case may be, shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by said board or officer and of the proceedings prior thereto and of the regularity thereof. The petition shall state that it is made and filed as commencement of judicial proceedings by the county, township or city, as the case may be, in pursuance of this act for the purpose of separating the grades of the street or highway and railroad or railroads at their intersection, designated by any proper descriptive words, in accordance with the plan set forth in said resolution, certificate or report as the case may be, referring thereto, and for making just compensation to all persons sustaining damage thereby, shall give a description of the property abutting on that part of said street or highway of which the grade is to be changed, also a statement of the manner in which said property and any street railroad line on said street or highway will be affected by said change, and to what extent, and shall state that said representative board or officer or said railroad and street crossing board, as the case may be, has declared it necessary for the public benefit to make said separation of grades in accordance with the plan set forth in said resolution or certificate or in said report, as the case may be, shall contain the names of the railroad companies and street railroad companies to be affected by the proposed change, and of all persons interested as mortgagees, lessees or otherwise in the property of such companies, of the owners and others interested in the property, abutting on that portion of said street or high-

Petition to be filed with court.

What petition shall state.

way of which the grade is to be changed so far as the same can be ascertained, including those in possession of the premises, and in cases where the crossing is of a class embraced in clause (e) or (f) of section one of this act, the name of the city, or of the county or counties, township or townships interested, other than the county or township in whose name the proceedings are taken, as the case may be. If the name of any person interested in any of the abutting property is unknown, the petition shall state the fact and the interest owned by such person or persons. All persons, corporations and bodies politic and corporate, so named in said petition, shall be made parties respondent in said petition. Said petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary for the public benefit to make such separation of grades in accordance with said proposed plan and to ascertain and determine the just compensation to be made to street railroad companies, if any, and to the persons interested in said abutting property. And to assess the compensation, cost and expense by them awarded against the city and county or counties, township or townships, company or companies, as the case may be, that are parties to the proceedings, as provided by law. Upon receiving such petition, it shall be the duty of the clerk of said court to issue a summons against the respondents named in said petition, stating briefly the object of said petition and commanding them in the name of the people of the State of Michigan to appear before said court at a time and place to be named in said summons not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Who shall be parties respondent.
Jury may be summoned.

To assess cost against city.

Clerk of court to issue summons.

When respondent to appear before court.

Jury to be empaneled on return of summons.

To determine necessity of separating grades.

Jury to be composed of how many.
Manner of selecting jury.

SEC. 13. On the return day of the summons or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury shall be empaneled in the cause to ascertain and determine the necessity for the public benefit of separating the grades of said streets or highways, and of said railroad or railroads at their intersection, in accordance with said proposed plan and to ascertain and determine the just compensation to be made therefor to the street railroad companies, if any, and persons interested in the abutting property made parties respondent to said petition, and to assess the costs and expenses by the act to be assessed as provided herein.

SEC. 14. Such jury shall be composed of twelve freeholders of the city or county, as the case may be, and shall be selected and empaneled as follows: The sheriff shall select at least twenty-four persons, freeholders of said city or county, from whom a jury shall be empaneled in the cause, and the names of said twenty-four or more persons having been selected and returned by the sheriff, as directed by said order, the court shall thereupon cause

such persons to be summoned by the usual process of *venire* to attend the court on a day to be named in said *venire* to serve as jurors, and the court shall then adjourn all further proceedings on said petition till the return day of said *venire*. Said *venire* shall be served by the sheriff or his deputy as in other like cases. On the return day of said *venire*, or on the day to which the proceedings may be adjourned, the court shall proceed to empanel a jury of twelve disinterested freeholders from persons so drawn and summoned. And if such jury cannot be found from the persons who shall attend upon such summons, or if so many of the persons summoned shall be excused or shall be rejected by the court upon challenge or otherwise that there shall not be a sufficient number left to constitute a jury, the court shall order the sheriff of said county forthwith to summon immediately other freeholders of the said city or county to attend as jurors, until a panel of twelve qualified jurors shall be obtained. In empanelling a jury the practice and proceedings shall be the same as in ordinary civil suits so far as practicable. Four peremptory challenges shall be allowed to the petitioner, and the respondents who are the persons interested in the abutting property and any street railroad company shall collectively be entitled to the same number. If any juror, after being sworn, shall die or become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury, or may, in its discretion, empanel a new jury.

Venire to be served by sheriff.

In case juror dies or becomes sick.

SEC. 15. The jury so empaneled shall be sworn or shall affirm that they will justly and impartially ascertain the necessity of separating the grades of said street or highway and of said railroad or railroads as proposed in said petition, and if they deem that such necessity exists that they will impartially ascertain and determine the compensation to be made to the parties respondent and unknown parties in interest named in said petition. The jury shall hear the proofs and allegations of the parties and the arguments of counsel and if so ordered by the court to go to the place of intended improvement, and in charge of an officer, and upon, or as near as practicable, to any property claimed to be damaged in making the same and examine the premises. They shall be instructed as to their duties and the law in the case by the court, and shall retire in charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case. The testimony given shall be reported, all objections made and the rulings of the court thereon, the exceptions taken being noted by the regular court stenographer and the charge of the court or instructions given to the jury shall likewise be reported by him. The jury shall report in writing as to each distinct parcel of land and as to each street railroad company claimed to be damaged and the

Jury to be sworn.

To hear proofs.

Shall be instructed as to law.

To report in writing.

interests in the same separately, and when all is finished, bring the report into court, and the same shall be filed with the clerk. A disagreement of the jury as to one or more distinct parcels of land shall not affect their report as to any lands in regard to which they have agreed, and upon such disagreement the court may upon motion of the petitioner, with a view to further proceedings, permit the petition to be so amended as thereafter to relate only to the premises affected by such disagreement, and to the persons interested therein, and may also cause a new jury to be drawn and empaneled, which new jury shall be drawn and empaneled in the same manner as above provided for the drawing of the original jury, and like proceedings as above provided shall thereupon be had, as to the lands concerning which there was such failure to agree and such new proceedings may be ordered by the court as often as may be necessary. The court may allow the jury to take with them when they retire, proper descriptions of the land claimed to be damaged as well as maps of the same and of the premises adjacent thereto and showing the proposed improvement and such other papers as the court in its discretion may deem it proper for them to have, including forms of verdict containing a description of the property and the names of the occupants or owners or other persons interested therein, and in which they may find necessary to make the proposed improvement as aforesaid, or may not find it necessary to make such improvements, such forms to be made under the direction of the court, or the verdict may be prepared by the jury. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law and for matters of substance, but not for objections as to matters of form, and in the same manner and on the same ground as an ordinary civil action in courts of general jurisdiction. The court may, before the jury is finally discharged, refer their verdict and findings back to them, for the correction of any errors, defects or insufficiencies therein contained. The verdict of the jury shall be in writing and shall be signed by them.

Disagreement of jury. When new jury may be drawn. Court may allow jury to take maps, descriptions, etc., of lands damaged. When verdict of jury may be set aside. Court may order verdict of jury back for correction. What shall be determined in the verdict.

SEC. 16. The jury shall in their verdict, ascertain and determine the necessity for the separation of the grades of said street or highway, and of said railroad or railroads, as proposed in said petition. And if they find that such necessity exists they shall then ascertain and determine the amount of damages to such property as may be damaged thereby, and also to any street railway so damaged and shall award to the parties interested compensation for such damages. If any property damaged shall be subject to a mortgage or lease, or to any lien or estate or interest otherwise arising, they shall apportion the compensation awarded among the parties interested therein as they shall deem just. In case the owner of any interest in any property damaged is unknown, they shall deter-

mine the compensation for damages to such interest and the same shall be paid into court for the benefit of such persons. They shall state separately the several amounts of damages by them awarded, and any apportionment of damages among different interests by them made. The amount of cost and expense which it would be just and equitable that the city, county or township should pay to said railroad company or companies, for the doing and construction of the work to be done by it or them, and determine by said crossing board and stated in their report as provided by said section nine, and the amount of cost and expense which it would be just and equitable that said company or companies should pay to the city, county or township for the work to be done or constructed by the city, county or township, and determined by said crossing board and stated in their said report shall be final and conclusive. And the said jury shall assess in their said verdict the total compensation by them awarded for damages for such property as may be damaged by such improvements to the parties interested therein and to any street railroad company, and also assess the amount determined by said report of the crossing board to be paid by said city, township or county, as its fair share of the expense of the work to be done said railroad company or companies, when the crossing is within the limits of the petitioner, against the petitioner, and in all other cases against the city, and county or counties, township or townships, as the case may be, that are parties to the proceedings in equal shares. Said last mentioned amount to be assessed in favor of and to be paid to said railroad company or companies. And they shall likewise assess against the said railroad company or companies and in favor of and to be paid to said city, county or township the portion of the cost or expense, which it was determined by said crossing board would be just and equitable, that said company or companies should pay to the petitioner or other body politic to whom the same are awarded in the report of said crossing board. Amendments either in form or substance may be allowed in any paper, petition, resolution, process, record or proceeding, or in the description of property damaged or claimed to be damaged or in the name of any person whether contained in the resolution or certificate of the representative board or officer, in the petition of property owners or in the report of railroad and street crossing board or elsewhere, wherever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after, as well as before the order confirming the verdict of the jury. Motions for a new trial or to arrest proceedings shall be made within two days after the rendition of the verdict unless further time is allowed by the court. And if no such motion is

In case owner unknown, amount to be paid to court.

Jury to assess total compensation to be awarded.

When amounts assessed in favor of railroad companies to be paid. Likewise as to cities.

When amendments may be allowed.

When motion for new trial shall be made.

made, or if being made, is overruled, the court shall enter an order confirming the verdict of the jury, containing a recital of the substance of the proceedings and a description of each parcel of real estate for damages to which compensation is awarded, with the statement of the interest of any unknown party therein, and the name of each railroad company, street railroad company, municipality, or other party in interest in the proceedings to whom compensation for damages is awarded or to whom any of said costs or expense may be awarded or against whom the payment of any sum by said jury may be charged or assessed, which order shall also direct by whom, to whom, and in what time the payment of the sums awarded is to be made and said order of confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

Order of confirmation unless reversed by supreme court to be final.

When attorney may discontinue proceedings.

May move for a new trial or appeal to supreme court.

SEC. 31. The city attorney or prosecuting attorney, as the case may be, may, by permission of the court, after a hearing by all parties interested, discontinue the proceedings, but not after a verdict shall have been rendered, but he may in behalf of petitioner move for a new trial or take an appeal to the supreme court, but in cases of appeal by the petitioner, no bonds shall be required of it, nor shall it be required to pay any fees to the clerk of the court in which such proceedings were instituted for services in relation to taking of said appeal.

Approved May 11, 1895.

[No. 144.]

AN ACT to make it unlawful for any company or corporation to remove, abandon or discontinue any factory, work shop, machine shop, repair shop, office, agency or establishment, or the work, business or industry carried on therein from any village, city, town or place within this State, without repaying and restoring to such town, city, village or place any and all money, bonds, land and other property, with interest, which have been or may hereafter be given or granted as a consideration or inducement for the location, construction, operation, enlargement or maintenance at any such city, village, town or place, and to provide a remedy by injunction to restrain any such company or corporation from moving, abandoning or discontinuing any such factory, shop, etc., and to provide a penalty for so doing.

Unlawful for corporation or company to abandon factory, etc., without restoring bonus.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any corporation or company doing business in this State at any time, or for the officers, agents or others having control of the corporation

or company or of the business or property of such corporation or company, to move, abandon, or discontinue, in any way, to any material extent, any factory, work shop, machine shop, repair shop, office, agency, or other establishment, or the work or business carried on therein, from any city, town or other place within this State, without repaying and restoring any and all money, bonds, lands and other property, which have been, or shall hereafter be given or granted as a consideration or inducement for the location or construction, operation, enlargement or maintenance at any such city, town or place, of such factory, work shop, machine shop, repair shop, office, agency or establishment, or of the work or business carried on thereat; and such payment or restoration must include and be accompanied by the payment of lawful interest on such money, bonds, lands and other property, or upon the proceeds or reasonable profits thereof, for the full period that shall have elapsed between the date of the original gift and such final payment and restoration.

SEC. 2. The provisions and penalties shall apply in all cases where the gift or grant was or shall be made by any city, town, company, person or persons, and they shall apply in all cases where the gift, grant, consideration or inducement, was made or paid to the corporation or company owning or operating such factory, work shop, machine shop, repair shop, office, agency, or establishment, and shall apply as well in all cases where such gift, grant, consideration or inducement, was made or paid to any officer, agent, receiver or trustee of such corporation or company, or at any time in control of the property or business of the corporation or company; and the provisions and penalties of this act shall apply also if the corporation or company has succeeded to the rights, franchises, property or business of any corporation or company, to which or the officers, agents, receivers or trustees of which company or corporation, or of its property, any such gift, grant, consideration or inducement, was or shall have been made or paid.

When provisions and penalties shall apply.

SEC. 3. The violation of any of the provisions of this act by any corporation or company, or any shareholder, officer or agent of any corporation or company, or by any person or persons succeeding to or controlling or managing the property or business of such corporation or company, is hereby made a misdemeanor, to be punished by fines, penalties, forfeitures, injunctions and imprisonments, as provided in other sections of this act.

Violation of this act a misdemeanor.

SEC. 4. Any shareholder, officer, agent or other person violating any of the provisions of this act shall be punished by imprisonment for not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment; any corporation or company violating any of the provisions of this act shall be punished by a fine of one thousand dollars for each day that shall

Penalty for violation.

elapse between such act of removal, abandonment or discontinuation, and the repayment and restoration required by this act; and any such corporation or company found guilty of violating any of the provisions of this act shall also forfeit all rights or franchises derived from or enjoyed within this State, and shall be enjoined from transacting any business within the State.

Repayments and restorations.

SEC. 5. The repayments and restorations required by this act shall be made to the city, town, company, person or persons, by which or from whom the gift, grant, consideration or inducement, was made or paid, or to their successors, assigns or legal representatives.

Forfeitures and injunctions may be decreed and enforced by circuit court.

SEC. 6. The forfeitures and injunctions provided for in this act may be decreed and enforced by any circuit court of any county in which any such corporation or company may do business, in a suit to be instituted for the purpose, in the name of the State of Michigan, by the prosecuting attorney of the county in which such suit is prosecuted: *Provided*, That in case of the suspension of any such business on account of the financial failure of any such company or corporation (other than railroad corporations) the person, city, village or town having so contributed any money, bonds, lands or other property shall become and be creditors of such company or corporation to the amount and value of such bonds, money or other property so contributed, and shall be treated and have all the rights of other creditors of such company or corporation; and such company or corporation, its shareholders, officers or agents, shall not be liable to the penalties herein provided: *Provided further*, That the provisions of this act shall not apply to any corporation or company having received any bonds, money, lands or other property as a consideration or inducement for the erection or construction, operation, enlargement or maintenance of any factory, work shop, machine shop, office, agency or establishment at any city, town or place for a specified length of time and having fully complied with all the conditions of the contract and agreement under which such bonds, money, lands or other property was given such company or corporation.

Proviso as to suspension of business on event of financial failure.

Further proviso.

Approved May 15, 1895.

[No. 145.]

AN ACT to prohibit and punish the exposure of poisons so as to endanger the lives of animals.

Unlawful to expose poisonous substances.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person to expose any known poisonous substance, whether mixed with meat or

other food or not, so that the same shall be liable to be eaten by any horses, cattle, dogs, or other beasts of another; and any person so exposing any known poison shall, on conviction of such offense, be punished by imprisonment in the county jail not more than three months, or by a fine of not less than ten nor more than one hundred dollars, or by both such fine and imprisonment: *Provided*, That it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances, nor for any person to expose on his own premises, not within the limits of any incorporated city or village, poisons for the destruction of predatory or dangerous prowling animals.

Penalty.

Provide as to using poisons on one's own premises.

Approved May 16, 1895.

[No. 146.]

AN ACT to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of such diseases.

SECTION 1. *The People of the State of Michigan enact*, That there shall be taught in every year in every public school in Michigan the principal modes by which each of the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of each such disease. The State Board of Health shall annually send to the public school superintendents and teachers throughout this State printed data and statements which shall enable them to comply with this act. School boards are hereby required to direct such superintendents and teachers to give oral and blackboard instruction, using the data and statements supplied by the State Board of Health.

Methods for restriction and prevention of dangerous diseases shall be taught in public schools.

SEC. 2. Neglect or refusal on the part of any superintendent or teacher to comply with the provisions of this law shall be considered a sufficient cause for dismissal from the school by the school board. Any school board willfully neglecting or refusing to comply with any of the provisions of this act shall be subject to fine the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in this State, including schools in cities or villages, whether incorporated under special charter or under the general laws.

Penalty for neglect or refusal to comply with provisions of this act.

Approved May 16, 1895.

[No. 147.]

AN ACT to amend the title and section one of act number one hundred and forty-nine of the public acts of eighteen hundred seventy-seven, entitled "An act to authorize registers of deeds to procure a seal of office," being section six hundred thirteen of Howell's annotated statutes.

Title amended.

SECTION 1. *The People of the State of Michigan enact,* That the title of act number one hundred forty-nine of the public acts of eighteen hundred seventy-seven, be and the same is hereby amended so as to read as follows: "An act to require registers of deeds to procure a seal of office;" and that section one of said act be amended so as to read as follows:

Registers of deeds required to procure seal.

[§ 613.] SECTION 1. The registers of deeds in the several counties of this State are hereby required and directed to procure at the expense of the county an official seal and that a legible impression of the same shall be placed upon the face of the certificate of record of every instrument after the same has been spread upon the records.

Approved May 17, 1895.

[No. 148.]

AN ACT to amend section sixteen of chapter ninety-one of the revised statutes of eighteen hundred and forty-six, relative to probate courts, as amended by subsequent acts; the same being compiler's section six thousand seven hundred seventy of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section sixteen of chapter ninety-one of the revised statutes of eighteen hundred forty-six, relative to probate courts, as amended by subsequent acts, the same being compiler's section six thousand seven hundred seventy of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Removal or absence of probate judge, who shall act.

SEC. 16. If a judge of probate shall remove out of his county, or shall be temporarily absent therefrom, or shall die, resign or otherwise become incapacitated for executing the duties of his office, the judge of the circuit court for such county, or the probate judge of an adjoining county, shall hold the probate court, unless he also for any reason be incapacitated for so executing the duties of such probate judge, in which case the judge of any other circuit may act in his stead, and the judge so acting shall have all the powers and perform all the duties of the judge of probate therein, until the return of the

judge of probate so temporarily absent or such incapacity is removed, or until another judge of probate shall be elected or appointed and qualified. In all cases where a circuit judge or a probate judge of an adjoining county shall perform the duties of the judge of probate, an entry of the reason for such circuit judge or probate judge of an adjoining county so performing such duties shall be made in the journal of such probate court.

Entry to be made.

This act is ordered to take immediate effect.

Approved May 17, 1895.

[No. 149.]

AN ACT to provide for the election of a board of county canvassers, to prescribe the term of office and the powers and duties thereof, and to repeal all acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* That at the regular annual meeting of the board of supervisors of each organized county in the State of Michigan for the year eighteen hundred ninety-six, and each second year thereafter, there shall be elected by ballot three electors, neither of whom shall be a candidate for office at the general election ensuing, who, together with the county clerk, who shall not be entitled to a vote on said board, shall be and are hereby constituted a board of county canvassers. And it shall be the duty of the clerk of said board of supervisors to notify said electors of their election within five days thereafter. Said board of supervisors shall, at the time of electing such board of county canvassers, fix the amount of their compensation, which shall not exceed four dollars per day for each member of said board, which shall be paid by the county treasurer upon the warrant of the county clerk: *Provided,* That in Wayne county said board of county canvassers shall consist of five members as follows: The probate judge, who shall be the presiding officer of such board; the county treasurer, the two members of the board of Wayne county auditors having the longer term to serve, and one other citizen elector to be chosen by a plurality *viva voce* vote of the board of supervisors of said county at their regular annual meeting. Said board of supervisors shall, at the same time and in the same manner, elect an alternate member of said board, who will be entitled to serve as a member of said board in case of a vacancy on said board on account of disability, absence or other cause. No one will be qualified to act as a member of said board who is a candidate on any ticket, the returns of which are to be

Board of county canvassers, annual election of.

Compensation of members.

Provided as to number of county canvassers for Wayne county.

Board of supervisors to elect an alternate.

canvassed by said board. The county clerk shall be the clerk of said board.

Term of office.

SEC. 2. Each member of said board of county canvassers shall qualify by taking the oath of office required of inspectors of election, to be administered by the county clerk, and shall hold office for a term of two years, or until their successors are appointed and shall have qualified.

Organisation of board.

SEC. 3. It shall be the duty of said board of county canvassers to convene at the office of the county clerk on the first Tuesday after the first Monday following each general election before the hour of one o'clock p. m., and to elect one of their number to act as chairman. The county clerk shall act as clerk of said board, but, in the event of his unavoidable absence, the board may select one of his deputies to act in his stead. In case of any vacancy on said board, by reason of absence or disability under the provisions of this act, it shall be filled by the members of the board present, who shall select some person or persons eligible to have been elected in the first instance, as set forth in section one of this act.

Duties of board of county canvassers.

SEC. 4. The said board shall then proceed, without delay, to canvass the returns of votes cast for State and county officers, members of congress, State senators, representatives in the State legislature, and amendments to the constitution, as the case may be, according to the returns filed in the office of the county clerk by the several boards of election inspectors of the various voting precincts in the county. If it shall be found, upon the convening of said board of canvassers, that the returns from the various boards of election inspectors of the several townships are missing or incomplete, or for any other reason, it is found necessary to return the same, then said board of county canvassers shall have power to adjourn from day to day until said returns shall have been procured or corrected. When said canvass shall have been finished the said board of county canvassers shall prepare a statement setting forth their findings in the premises, and giving in detail the number of ballots cast for each candidate. They shall certify thereto under their hands and the seal of the circuit court of the county. It shall also be the duty of said board to declare the result of the election for county officers and to publish said result and a statement of votes cast, within thirty days after said general election is held, in at least two newspapers printed and circulating in said county.

Duty of clerk of board.

SEC. 5. It shall also be the duty of said clerk of the board of county canvassers, within five days from the time of the completion of said canvass, to send by registered mail three certified copies of the same, so far as it shall relate to the vote for State officers and members of congress of the United States, State senators, representatives in the State legislature, and amendments to the constitution, together with a certificate of authenticity signed by

himself and the chairman of the board of canvassers; one to the Governor, one to the Secretary of State, and one to the State Treasurer. The original shall be kept on file in the office of the county clerk.

SEC. 6. It shall be the duty of the county clerk to furnish certified copies of the original of said canvass on file in his office [to] of the Secretary of State upon the request of said Secretary of State, and without charge. And if upon receipt of said certified copies by the Secretary of State, there shall appear clerical errors in the same, it shall be the duty of the county clerk, upon written request of the Secretary of State to correct the same, so to do.

Duty of county clerks.

SEC. 7. In case the clerk of the board of county canvassers shall neglect or refuse to perform in the manner herein prescribed, any of the duties hereinbefore set forth, he shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to pay a fine of not less than fifty nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days.

Violation of duty by clerk a misdemeanor.

SEC. 8. Any member of said board of county canvassers who shall knowingly violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties enjoined upon him hereby, or shall sign any fraudulent return, or shall change any word, letter or figure in said returns as made by the board of canvassers, except as hereinbefore provided, with intention to defraud, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars or imprisonment in the State Prison not to exceed five years, or both such fine and imprisonment in the discretion of the court.

Violation of provisions of this act by any member of board of county canvassers a felony.

SEC. 9. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

Approved May 17, 1895.

[No. 150.]

AN ACT to amend section one of act number one hundred nineteen of the public acts of eighteen hundred ninety-three, being an act entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations, to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation, and to repeal all existing acts inconsistent therewith."

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred nineteen of the public acts, of eighteen hundred ninety-three, being an act entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations, to provide for their incorporation and the regulation of their business and for the punishment for violation of the provisions of the act of their incorporation and to repeal all existing acts inconsistent therewith," be and the same is hereby amended so as to read as follows:

Incorporation of
fraternal asso-
ciations.

SECTION 1. *The People of the State of Michigan enact,* That a [fraternal] fraternally beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries and not for profit. Such association, having a lodge system, with ritualistic form of work and a representative form of government, and making provision for the payment of death benefits, may, in addition thereto, provide for the payment of benefits in the case of accident, sickness, disability, or old age of its members. The fund from which the payment of such

Funds derived
from assess-
ments.

benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its mem-

Payment of
death benefits.

bers. Payment of death benefits shall be made only to the wife, husband, children and dependent children, mother, father, sister, brother, or blood relatives to the fourth degree, of the member: *Provided,* That where an applicant or member has no relative as above provided, to whom he may make his certificate payable, in such case he may designate any other person or make his estate his beneficiary. Such association shall be governed by this act and shall be exempt from the provisions of the insurance laws of this State, excepting as provided by this act: *Provided further,* That when the laws of any such association already provide that an affianced wife, or any other person who is dependent upon the member for mainte-

Association ex-
empt from gen-
eral insurance
laws.

nance, food, clothing, lodging, or education, may be made the beneficiary, payment of death benefits may be made to such beneficiaries but no certificate of membership shall be made payable to, nor any death benefit paid to an affianced wife, or any beneficiary by reason of dependency as hereinbefore provided, unless satisfactory proof of such affianced relation or dependency shall have been filed with, and accepted by, the executive officers of such association: *And provided further,* That no death claim shall be a valid claim against any such association, where the deceased member came to his or her death by unlawful means, at the hands or through the procurement or connivance of the beneficiary named therein, and as to such

When death
claim not to be
valid.

beneficiary, the benefit certificate issued to such deceased member shall become null and void.

This act is ordered to take immediate effect.

Approved May 17, 1895.

[No. 151.]

AN ACT to amend section twenty-seven of chapter one hundred seventy-seven of the compiled laws of eighteen hundred seventy-one, being compiler's section six thousand seven hundred eighty-one of Howell's annotated statutes, relative to notice of appeals from orders of judges of probate.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section twenty-seven of chapter one hundred seventy-seven of the compiled laws of eighteen hundred seventy-one, being compiler's section six thousand seven hundred eighty-one of Howell's annotated statutes, relative to notice of appeals from orders of judges of probate, be and the same is hereby amended so as to read as follows:

SEC. 27. The appellant shall give notice of such appeal to the adverse party, with his reasons therefor, in such manner as the probate court shall direct, at least fourteen days before the same shall be brought on for trial in the circuit court, unless the adverse party shall in writing, filed in the circuit court, waive such notice. Notice of appeal, time to be given before trial.

Approved May 17, 1895.

[No. 152.]

AN ACT to require circuit judges of other judicial circuits to hold court in any judicial circuit in this State in certain cases and to provide for the payment of their necessary expenses in so doing.

SECTION 1. *The People of the State of Michigan enact,* When Governor shall require circuit judges of other circuits to hold court in any judicial circuit in this State.
That whenever the business of any of the circuit courts of this State has accumulated beyond the capacity of the judge or judges of such circuit court to properly dispose of, it shall be the duty of the Governor of the State upon such showing of facts and request made by the presiding judge of such court to designate a judge or judges of some other circuit or circuits in this State whose official duties will permit for the time being to hold court temporarily for such time or term as he may deem advisable and the judge or judges so designated shall perform the

duties and hold court for such time or term in like manner and with like effect as they severally and respectively could have done if they had been elected to such office in the circuit where such duties as judge are performed.

Sheriff or county auditors to provide a suitable place for holding court.

SEC. 2. It shall be the duty of the sheriff of the county, or of the county auditors, as the case may be, to provide a suitable place where such circuit judge or judges are designated to hold court, and all extra expense incurred for this purpose shall be a proper charge against the county where such court is held, and shall be audited and allowed by the board of auditors, or supervisors, as the case may be, of such county.

Provisions of existing statutes governing circuit court proceedings to govern circuit judge.

SEC. 3. All the provisions of existing statutes, laws, rules and regulations applicable to and governing circuit court proceedings shall so far as may be, apply to and govern the said circuit judge or judges while so holding court temporarily in said judicial circuit and the court so held by them in all respects as if they had been severally and respectively elected judges of the judicial circuit under the statutes in such case made and provided.

Expenses of circuit judges, how paid.

SEC. 4. All the necessary expenses of said circuit judges, or either of them so designated in going from their respective places of residence for the purpose of so holding court, and in returning thereto, and all their other necessary expenses for that purpose, not exceeding the sum of ten dollars for each day that either of such judges shall so hold court, shall, at the end of the time or term for which said judges respectively shall be so designated, when duly certified by them, be allowed by said circuit court, and shall thereupon be audited and allowed by the board of county auditors or the board of supervisors, as the case may be, for the county, and shall be paid out of the county treasury of the county where such court is held.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 153.]

AN ACT making it unlawful for any fire insurance company doing business in the State of Michigan, to limit or restrict its liability by providing in any policy of insurance issued by it that such liability shall be fixed, determined or proportioned by the whole amount of insurance upon the property insured, and to provide a penalty for the violation thereof.

Unlawful to limit or restrict certain liability of insurance companies.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful hereafter for any fire insurance company doing business in the State of Michigan to provide by any insurance policy issued by it, or by any

clause therein, or by any separate agreement, contract or otherwise, that the liability of said insurance company to the insured shall be limited or restricted by reason of the failure of the said insured to insure the property covered by said policy for any certain amount or proportion of the actual cash value of such property.

SEC. 2. Any provision of any policy, or any contract or agreement contrary to the provisions of this act shall be absolutely void, and any insurance company issuing any policy of insurance containing any such provision shall be liable to the insured under such policy in the same manner and to the same extent as if such provision were not therein contained.

Contracts or agreements contrary to provisions of this act shall be void.

SEC. 3. Any company or companies violating the provisions of the first section of this act, upon notice and satisfactory proof thereof being made to the Commissioner of Insurance, shall have its or their authority to transact business in the State of Michigan revoked for a period of not less than ninety days, and any insurance company whose license to do business in Michigan may be so revoked by the Commissioner of Insurance, shall not again be permitted to do business in Michigan until all penalties due hereunder shall be paid, together with any expenses that may be due under the provisions of this act to the Commissioner of Insurance.

Authority to transact business may be revoked.

SEC. 4. Any individual, firm, corporation or association, company or companies violating the provisions of section one of this act shall be deemed guilty of a misdemeanor and shall forfeit to the State a sum not less than fifty dollars nor more than one hundred dollars, to be collected by the Commissioner of Insurance in an action of debt.

Penalty for violation.

Approved May 18, 1895.

[No. 154.]

AN ACT to amend sections sixty-two, seventy-one, seventy-three, seventy-four, eighty-four, eighty-seven, ninety-eight, one hundred and six, one hundred and thirteen, one hundred and twenty, one hundred and twenty-four, one hundred twenty-seven and one hundred thirty-five of act number two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of

the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in any wise contravening any of the provisions of this act."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections sixty-two, seventy-one, seventy-three, seventy-four, eighty-four, eighty-seven, ninety-eight, one hundred six, one hundred thirteen, one hundred twenty, one hundred twenty-four, one hundred twenty-seven and one hundred thirty-five of act number two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased, and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," be and the same are hereby amended so as to read as follows:

Duty of circuit
judge and coun-
ty clerk.

SEC. 62. It shall be the duty of the county clerk, on the filing of the said petition, to at once present the same to the circuit judge of the county in which said delinquent tax lands are situate, and it shall be the duty of said circuit judge to make an order in the form herein prescribed, which order, when so made and signed by the circuit judge, shall be countersigned by the county clerk as register in chancery, and recorded by him in the proper books of his office, and thereupon it shall be the duty of said county clerk to immediately make a true copy of said order, and transmit the same to the Auditor General. Said order shall be substantially in the following form:

Form of decree. STATE OF MICHIGAN, }
COUNTY OF..... } ss.

In the circuit court for the county of
In Chancery.

In the matter of the petition of the State of Michigan for the sale of certain lands for taxes assessed thereon: On reading and filing the petition of the Auditor General of the State of Michigan, praying for a decree in favor of the State of Michigan, against each parcel of land therein described, for the amounts therein specified, claimed to be due for taxes, interest and charges on each such parcel of land, and that such lands be sold for the amounts so claimed by the State of Michigan. It is ordered that said petition will be brought on for hearing and decree at the term of this court, to be held at, in the county of, State

of Michigan, on the day of
 A. D. 18...., at the opening of the court on that day,
 and that all persons interested in such lands, or any part
 thereof, desiring to contest the lien claimed thereon by
 the State of Michigan, for such taxes, interest and charges,
 or any part thereof, shall appear in said court, and file
 with the clerk thereof, acting as register in chancery, their
 objections thereto, on or before the first day of the term
 of this court above mentioned, and that in default thereof
 the same will be taken as confessed and a decree will be
 taken and entered as prayed for in said petition. And it
 is further ordered that in pursuance of said decree the
 lands described in said petition for which a decree of
 sale shall be made, will be sold for the several taxes,
 interest and charges thereon as determined by such decree,
 on the first Monday in December thereafter, or on the
 day or days subsequent thereto, as may be necessary to
 complete the sale of said lands and of each and every
 parcel thereof, at the office of the county treasurer, or at
 such convenient place as shall be selected by him at the
 county seat of the county of, State of Mich-
 igan; and that the sale then and there made will be a
 public sale, and each parcel described in the decree shall
 be separately exposed for sale for the total taxes, interest
 and charges, and the sale shall be made to the person offer-
 ing to buy for any given tax, and paying the full amount
 charged against said parcel, and accepting a conveyance of
 the smallest undivided fee simple interest therein; or, if no
 person will buy for any of said several taxes and pay the
 balance thereof, and take a conveyance of less than the
 entire thereof, then the whole parcel shall be offered and
 sold. If any parcel of land cannot be sold for taxes, inter-
 est and charges, such parcel shall be passed over for the
 time being, and shall, on the succeeding day, or before the
 close of the sale, be reoffered, and, if on such second offer,
 or during such sale, the same cannot be sold for the amount
 aforesaid, the county treasurer shall bid off the same in the
 name of the State.

Witness the Hon., Circuit judge, and
 the seal of said circuit court of county, this
 day of, A. D. 18....

Countersigned,

....., *Register.*

....., *Circuit Judge.*

[SEC. 71.] At the sale aforesaid the respective county
 treasurers shall give to the purchasers, on the payment
 of the bids, a separate certificate in writing for each par-
 cel, describing the lands purchased and the amount paid
 therefor, the name of the person to whom the same was
 issued, the number, date and amount of each certificate,
 and such certificate shall be regularly numbered and
 entered in the book kept for that purpose and designated
 as the tax record. Certificate of
sale.

Such certificate shall be in substantially the following form:

Form. STATE OF MICHIGAN, } ss.
COUNTY OF.....

County treasurer's office, ..., A. D. 18.....
I, ..., county treasurer of the county of
in said State, do hereby certify that I did, at public
auction, pursuant to notice given as by law required, on
this day of, A. D. 18....., sell to
..... (of) or to the State of Michi-
gan, the lands herein described for the sum of
dollars and cents, said sum being the amount
due and unpaid for taxes, interest and charges on said
lands for the year of our Lord one thousand eight hun-
dred and that the said, his heirs
or assigns, or State assigns, will, if said sale stands con-
firmed, be entitled to a deed of conveyance of said lands,
after the first Monday in December in the year following
the sale thereof as herein evidenced, unless sooner redeemed
from such sale according to law. Said lands are described
as follows, with the sum for which they were sold, set
opposite each description, that is to say: (Here insert
description and the amount bid therefor.)

....., *County Treasurer.*

No annulment
after five years'
possession.

Purchaser may
recover for im-
provements.

Refunding on
canceled sales.

Time for re-
demption.

SEC. 73. No sale of any lands or deed made by the
Auditor General under the provisions of this act shall be
set aside or annulled by any court of this State after the
purchaser, his heirs or assigns, have been in actual and
undisputed possession of such lands so sold or conveyed,
for a period of five years from the date of such purchase
or deed. Whenever any sale made under this act is set
aside by any court in a less time than five years, the court
shall determine and decree the value of improvements
made by the purchaser, if he has been in possession, and
give judgment therefor, and issue execution to collect the
same of the claimant before putting him in possession.
If a sale made under this act is set aside by any court,
the Auditor General shall refund to the purchaser the
amount paid at the time of the sale, with interest thereon
at the rate of eight per cent per annum from the time
of purchase to the time when said sale is set aside, out
of the general fund of the State, and charge back to the
county the portion of the same originally assessed for
county and township taxes and the interest thereon.

SEC. 74. Any person owning any of the lands sold as
aforesaid, or any interest therein, may, at any time before
the first Monday in December in the year following such
sale, redeem any parcel of such lands or any part or inter-
est in such lands, by showing to the satisfaction of the
county treasurer or Auditor General that he owns only that
part or interest in the same which he proposes to redeem,

by paying to the Auditor General or county treasurer the amount of the sale of the parcel of land, or the portion thereof wished to be redeemed, and interest thereon from the date of such sale. Upon the payment of the redemption money and interest thereon at eight per cent per annum to the county treasurer as aforesaid, he shall issue a redemption certificate in duplicate in such form as may be prescribed by the Auditor General, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of such certificate, the amount for which given, and the name of the person paying the same, one of which certificates shall be delivered to the person making such redemption payment, and the other shall be immediately transmitted to the Auditor General. The county treasurer shall also make a minute of such redemption certificate in the tax record book kept in his office, with the name of the payee, the date and amount paid. Such certificate, or the duplicate, and the entry thereof by the clerk or county treasurer, shall be evidence of such redemption payment in the courts of this State. In case any such lands are redeemed at the office of the Auditor General, a notice containing all the above facts shall be sent to the county treasurer of the proper county, who shall cause the proper entries to be made on the tax record of his county and in the office of the county clerk.

Redemption
certificates.

SEC. 84. Any person may purchase any State tax lands or any State bids by paying therefor the amount for which the same was bid off to the State, with interest on the same at the rate of eight per cent per annum from date of sale, together with the other taxes remaining a lien on such lands at the time of the purchase so made with the interest thereon at the rate provided in this act. Upon making payment as above such purchaser shall be entitled to and receive a certificate, and a deed conveying all the right, title and interest of the State to such tax lands acquired or accrued by virtue of the original sale or sales to the State. All the provisions of law relative to deeds executed by the Auditor General on the surrender of certificates of sale made by the several county treasurers shall be applicable in making deeds for such purchases.

Purchase of
State tax land.

Certificate and
deed.

SEC. 87. The accounts between the State, county and each township shall be adjusted on the basis of crediting and paying to each the taxes collected by and for each with the interest thereon. The Auditor General shall, on the first days of January, April, July and October in each year, make a statement of account between the State and each county respectively, and render the same to the county treasurer of each county, and draw his warrant on the State Treasurer, payable to such county treasurer, for all moneys in the State treasury collected for county, township, school, highway, or any other purposes for such

Tax accounts.

Auditor General's
quarterly
statement.

Payments to
county, etc.

Payment to
State.

Accounts be-
tween county
and townships.

Errors discov-
ered before
transfer

If not subject to
taxation.

If taxes paid.

Illegal sales.

If certificate of
"no taxes."

Conveyance
withheld.

Proviso.

Certificate of
error.

county or any township or district thereof, and transmit such warrant to the county treasurer, and a notice to the county clerk thereof. At the same time the county treasurers shall pay to the State all moneys collected and due from their respective counties to the State, as shown by such account so rendered by the Auditor General to be due to the State: *Provided*, That the county treasurers shall pay to the State on or before the first day of January next after the time of such sales the State's portion of the proceeds of the annual tax sale held in the month of December in each year, as provided in section seventy of this act. The county treasurer of each county shall, on or before the first days of February, May, August and November in each year, make out a statement of the account between the county and the several townships, and render the same to the township treasurer, and pay all moneys shown by such statement so rendered to be due the township, to the proper receiving officer of the township, and notify the township clerk of the items and total amount thereof. The county clerk shall charge such amounts to the county treasurer, and the township clerks shall charge such amounts to the township treasurers on the book of their respective offices.

SEC. 98. Whenever any lands returned to the office of the Auditor General, or to the county treasurer during the life of the tax law of eighteen hundred ninety-one, shall have been sold on account of non-payment of taxes thereon, if the Auditor General shall discover, before a conveyance of said land is executed and delivered:

First, That the land so sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; or

Second, That the taxes had been paid to the proper officer within the time limited by law for the payment or redemption thereof; or

Third, That such sale was in contravention of any of the provisions of this act; or

Fourth, That a certificate that no taxes were charged against said lands has been given by the proper officer, within the time limited by law for the payment or redemption thereof, the Auditor General shall withhold a conveyance of such lands, and shall, on demand, cause the money paid therefor to be refunded to the purchaser, with interest thereon at eight per cent per annum: *Provided*, That in the last mentioned case the person in whose behalf such certificate was given, shall, at the time of presenting such certificate to the Auditor General, pay to the State Treasurer, on the statement of the Auditor General, all taxes and charges due to the State upon such land at the time such certificate was issued. If the discovery is not made until after the conveyance has been executed and delivered, a certificate of error may be issued in proper form for record; and the deed, if not recorded, shall be

surrendered when the purchase money is refunded. If the deed has been recorded the money shall be refunded on a recorded release from the holder of the tax deed.

Refunding on release.

SEC. 106. The taxes on any lands returned as delinquent may be paid to the county treasurer or to the State Treasurer at any time prior to the day of sale. After such petition is filed with the county clerk, payment of part of the taxes therein specified shall not stay proceedings thereon to enforce payment of such part of such taxes as are not paid, but such proceedings shall continue as to all unpaid taxes as herein provided.

Payment before sale.

Part payment does not stay proceedings.

SEC. 113. It shall be unlawful for any person to cut or remove any logs, wood or timber from any lands sold and bid in by the State of Michigan, for the non-payment of taxes, while the State remains the owner of such lands or the holder of any tax lien thereon by virtue of such sale, and if any person shall cut, or remove such logs, wood or timber from such lands during the time aforesaid, the Auditor General or his deputy shall issue a warrant under his hand, in the name of the people of the State of Michigan, directed to the sheriff of the county where such lands are situated, giving therein a description of such lands, the amount of such taxes with interest and charges thereon, then remaining unpaid, commanding such sheriff forthwith to seize such logs, wood, or timber, wherever the same may be found in any county in this State, and to sell the same, or a sufficient quantity thereof, to satisfy such taxes, with the interest and charges thereon and the cost of such seizure and sale. The sheriff shall receive such warrant and execute the same as therein directed, as in case of levy and sale on execution, and make return thereof with his doings thereon to the Auditor General, within sixty days after the receipt of the same, and pay over all money collected thereon to the State Treasurer. The Auditor General may furnish the State trespass agent with lists or plats of land bid in by the State and remaining unpaid, and the said trespass agent shall examine such lands and promptly report to the Auditor General all violations of the provisions of this section. The sheriff and county treasurer of each county are hereby directed to report all such trespass, prohibited by this section, to the Auditor General, immediately, whenever they shall have knowledge of the same, and any county or township officer having knowledge of such trespass shall report the facts to the sheriff or county treasurer.

Removal of timber from State tax lands.

Warrant of Auditor General for seizure, etc.

Duties of sheriff.

Return of doings.

Examination of lands by trespass agent.

Names of stockholders of banks to be filed with county clerk.

SEC. 120. The cashier of every bank, the capital of which is represented by shares of stock, shall, on the second Monday of April in each year, file in the office of the county clerk of the county where the bank is located, a list of the names of the stockholders, the amount of stock held by each on the day said report is made, and their respective residences. Immediately after the filing of such statement the county clerk shall notify the super-

Willful neglect by bank cashier.	visor of each township of the name of each person, if any, residing in his township, holding shares of stock in any such bank, and of the amount thereof as shown by such statement. If the cashier of any bank shall willfully neglect or refuse to make and file in the office of the county clerk, a list of the names of stockholders, the amount of stock held by each, and their respective residences, as provided in this act, or shall willfully make and file any false entry in any such list, he shall be guilty of a misdemeanor, and upon conviction he shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not to exceed a period of six months, or by both such fine and imprisonment in the discretion of the court. If the president, secretary or chief accounting officer of any corporation, company or association, or any representative thereof, shall willfully neglect or refuse, or shall make and verify any false statement to any assessing officer, the intention or effect of which may be to escape taxation, such person shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail not to exceed a period of six months, or by both such fine and imprisonment in the discretion of the court. And any person who shall willfully make and verify any such statement with the effect or intention to evade taxation, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed three hundred dollars, or by imprisonment in the county jail not to exceed a period of six months or by both such fine and imprisonment in the discretion of the court.
Penalty.	SEC. 124. From and after the passage of this act the Auditor General shall perform all the duties in relation to taxes levied, assessed, collected and returned delinquent, sold or to be sold as required by this act: <i>Provided</i>, It shall not be necessary for him to sell or order resold, advertise or readvertise, and revise or renew any act done by any officer or court under and by virtue of the said act heretofore mentioned in the preceding section, but all such proceedings and acts shall be recognized and held to be legal and valid under this act, subject, however, to the provisions of section ninety-eight of this act. In all cases where deeds have been issued by county treasurers, any such deeds shall be valid and of such force and effect as if issued by the Auditor General, but the Auditor General may cancel any deed so made by any county treasurer, on the request of the holder thereof, and issue a new deed signed by the Auditor General or his deputy as in this act provided. And for all lands advertised and sold by any county treasurer under the authority granted in said act before mentioned, such advertisement and sale shall be held legal and valid, but all such proceedings and all proceedings necessary to be had hereafter in rela-
Duties of Auditor General.	
Not required to revise acts done under 1891 law.	
County treasurers' deeds valid. Cancellation and reissue of deeds valid.	
Sale under 1891 law valid.	

tion to such lands and taxes shall be had under the provisions of this act.

SEC. 127. Whenever it shall hereafter appear that any lands delinquent for taxes have been bid off to the State for a consecutive period of more than three years, and that no application has been made to redeem or purchase the same, it shall be the duty of the Auditor General and the Commissioner of the State Land Office, when requested so to do by the township board of the township wherein such delinquent lands are situated, to cause an examination of such lands to be made as soon as practicable, to ascertain their value and the cause of the non-payment of taxes thereon, and if it shall appear that said lands are barren, swamp or worthless lands, and have been abandoned by the owner, upon a certificate being filed by the examiner to that effect, the Auditor General is hereby authorized to make a transfer by deed of the same to the State, as to an individual, as provided in this act, which deed shall be recorded in the proper county, and a copy filed in the office of the Commissioner of the State Land Office, and said Commissioner shall thereafter hold said lands as State lands, subject to sale as hereinafter provided, and failure to pay the taxes or to redeem or purchase any lands sold for taxes and bid to the State for more than three consecutive years as aforesaid, shall be, in all cases where such lands are not actually occupied, *prima facie* evidence that such lands are abandoned by the owner.

SEC. 135. When any deed, land contract, plat of any town site, village or addition to any town site, village plat or city, or any other instrument for the conveyance of title to any real estate, is presented to the register of deeds of any county in this State for record or filing in his office, he shall require from the person presenting the same a certificate from the Auditor General, or from the county treasurer of the county, whether there are any tax liens or titles held by the State, or by any individual, against such piece or description of land sought to be conveyed by such instrument, and that all taxes due thereon have been paid for the five years preceding to the date of such instrument, and in default of the presentation of such certificate he shall not record the same until such certificate is secured and presented. The register of deeds shall note the fact upon said deed that said certificate has or has not been presented to him when such instrument is presented for record, and in case the person presenting such instrument shall refuse to procure such certificate, he shall endorse that fact upon said instrument, over his official signature, and shall refuse to receive and record the same: *Provided*, That the provisions of this section shall not apply to the filing of any town or village plat for the purpose of incorporation, in so far as the land therein embraced is included in a plat already filed in the office of the register of deeds, or in so far as the description

All future proceedings to be under this act.

Inspection of certain tax lands.

Request of township board.

Barren and swamp lands.

Failure to pay taxes, etc.

Recording and filing plats, deeds, etc.

Register to require certificate of payment of taxes.

Noting certificate.

When register shall refuse to record.

Proviso as to town or village plat.

of lands therein is not changed by such plat, nor to the filing of any copy of the town, village or city plat in case the original plat filed in the office of such register of deeds has been lost or destroyed, nor to any sheriff's or commissioner's deed executed for the sale of lands under any proceeding in law, or by virtue of any decree of any of the courts of this State, nor to any deed of trust by any assignee, executor or corporation executed pursuant to any law of this State, nor to any quit claim deed or other conveyance containing no covenants of warranty; nor to any land patent executed by the President of the United States, or the Governor of this State, nor to any tax deed made by the Auditor General; nor to any deed executed by any railroad company conveying its right of way, provided such deed is accompanied by a certificate of the Auditor General showing that all specific taxes due from said railroad company have been paid, to and including the year in which such deed is executed. A violation of the provisions of this section by any register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be fined not to exceed one hundred dollars, and he shall further be liable to the grantee of any instrument so recorded for the amount of damages sustained, to be recovered in an action for debt in any court of this State.

Penalty.

Approved May 18, 1895.

[No. 155.]

AN ACT to provide for the payment of salaries to sheriffs in the counties in the upper peninsula.

Board of supervisors authorized to fix salary of sheriff in upper peninsula.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of each county in the upper peninsula is hereby authorized and empowered to pay to the sheriff of its county out of the county treasury such salary as said board may fix and determine. Such salary shall be fixed and determined by said board at the same time that salaries of other county officers are fixed and determined, and shall be compensation in full for all services of such sheriff for which the county may be liable and for which compensation is not otherwise fixed by law. Said board may also at the time said salary is fixed, determine that the salary so fixed, shall, in addition to its being compensation in full as aforesaid, be in lieu of all, or any part of the fees for which the county may be liable and which are fixed by law, as said board may designate.

Time and place for fixing said salary.

SEC. 2. Said board may, at its annual meeting, in October of the year eighteen hundred and ninety-five, fix and

determine such salary for the year ending the second Monday of October, eighteen hundred and ninety-six, and also may at any time after the passage of this act fix such salary for the period ending the second Monday in October, eighteen hundred and ninety-five.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 156.]

AN ACT to amend section twenty-one of act sixty-two of the public acts of eighteen hundred and ninety-three, entitled "An act to amend section thirteen of act number one hundred and thirty-three of the session laws of eighteen hundred and seventy-nine, as amended, being 'An act to establish an institution under the name and style of the Michigan Reform School for Girls,' being section nine thousand eight hundred and thirty-nine of Howell's annotated statutes, and to add two new sections to said act, to be numbered twenty-one and twenty-two, for the protection of inmates and subjects of said institution," approved May tenth, eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section twenty-one of act sixty-two of the public acts of eighteen hundred and ninety-three, entitled "An act to amend section thirteen of act number one hundred and thirty-three of the session laws of eighteen hundred and seventy-nine, as amended, being 'An act to establish an institution under the name and style of the Michigan Reform School for Girls,' being section nine thousand eight hundred and thirty-nine of Howell's annotated statutes, and to add two new sections to said act to be numbered twenty-one and twenty-two, for the protection of inmates and subjects of said institution," approved May tenth, eighteen hundred ninety-three, be amended so as to read as follows:

SEC. 21. Any person who shall aid or assist any girl who is an inmate of the State Industrial Home for Girls to escape therefrom, or who shall aid or assist any girl who has been committed to said institution, and who is a subject thereof, to escape from any other home or other place where she has been placed by the officers of said industrial home, or shall aid or assist any such girl to leave this State, or shall marry any such girl, knowing her to be an inmate or a subject of such industrial home, without the consent of the board of control of such industrial home, shall be punished by imprisonment in the State prison, or State House of Correction and Reforma- Assisting inmates to escape, penalty for.

tory, for a term of not to exceed two years, or in the county jail for a term not to exceed one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Approved May 18, 1895.

[No. 157.]

AN ACT to authorize the commitment of patients from other states to private institutions, hospitals, homes or retreats in Michigan.

Persons alleged to be insane residents of other states, duty of judge of probate relative to.

SECTION 1. *The People of the State of Michigan enact,* That whenever any person alleged to be insane, whose residence is in some state other than Michigan, shall be received in any private institution, hospital, home or retreat for the care and treatment of mental diseases, the judge of probate of the county in which said institution, hospital, home or retreat is located, shall have the power and it shall be his duty on application being made to his court, to institute an inquest, appoint medical examiners and proceed in such case as provided in act number two hundred twenty of the public acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, being section nineteen hundred thirty c of Howell's annotated statutes, or any amendment thereof, for the commitment of private patients who are residents of Michigan, to asylums. The expense of such examination and inquest shall be defrayed by the institution, hospital, home or retreat in which such person has been temporarily received.

Expense, how defrayed.

Approved May 18, 1895.

[No. 158.]

AN ACT to amend sections forty-three and forty-four of chapter thirty-five of the revised statutes of eighteen hundred forty-six, relative to public health, being sections sixteen hundred seventy-five and sixteen hundred seventy-six of Howell's annotated statutes.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections forty-three and forty-four of chapter thirty-five of the revised statutes of eighteen hundred forty-six, relative to public health, being sections sixteen hundred seventy-five and sixteen hundred seventy-six of Howell's

annotated statutes, be and are hereby amended so as to read as follows:

SEC. 43. Whenever any householder, hotel keeper, keeper of a boarding house, or tenant, shall know, or shall be informed by a physician, or shall have reason to believe that any person in his family, hotel, boarding house or premises, is taken sick with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice, in writing, thereof to the health officer of the township, city or village in which he resides. Said notice shall state the name of the person sick, the name of the disease, if known, the name of the householder, hotel keeper, keeper of boarding house or tenant giving the notice, and shall, by street and number, or otherwise, sufficiently designate the house in which he resides or the room in which the sick person may be; and if he shall refuse or willfully neglect immediately to give such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be punished by a fine of not exceeding one hundred dollars and costs of prosecution; or in default of payment thereof, by imprisonment not exceeding ninety days in the county jail, in the discretion of the court: *Provided*, That such fine or imprisonment shall not be enforced if the physician in attendance has given to the health officer or other officer hereinbefore mentioned an immediate notice of said sick person and true name of the disease, in accordance with the requirements of this section.

Householders to give notice of disease.

Penalty for neglect.

Proviso as to penalty.

SEC. 44. Whenever any physician shall know that any person whom he is called to visit, or who is brought to him for examination, is infected with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice thereof to the health officer of the township, city or village, in which the sick person may be; and to the householder, hotel keeper, keeper of a boarding house, or tenant within whose house or rooms the sick person may be. The notice to the officer of the board of health shall state the name of the disease, the name, age and sex of the person sick, also the name of the physician giving the notice; and shall, by street and number, or otherwise, sufficiently designate the house or room in which said person sick may be. And every physician and person acting as a physician, who shall refuse or neglect immediately to give such notice shall forfeit for each such offense a sum not less than ten nor more than fifty dollars: *Provided*, That this penalty shall not be enforced against a physician if another physician in attendance has given to the health officer, or other officer hereinbefore mentioned, an immediate notice of said sick person, and the true name of the disease, in accordance with the requirement of this section.

Penalty on physician neglecting to give notice.

Approved May 18, 1895.

[No. 159.]

AN ACT to amend section five of act one hundred eighty-one of the public acts of eighteen hundred eighty-three, entitled "An act authorizing foreign co-operative corporations or associations to transact business in this State," being compiler's section three thousand nine hundred sixty b five, third Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section five of act one hundred eighty-one of the public acts of eighteen hundred eighty-three, entitled "An act authorizing foreign co-operative corporations or associations to transact business in this State," being compiler's section three thousand nine hundred sixty b five of Howell's annotated statutes, be amended so as to read as follows:

When corporations shall be deemed to be doing business unlawfully.

SEC. 5. Any such foreign corporation or association now doing business in this State that shall refuse or neglect to comply with the provisions of this act, after a space of thirty days after it takes effect, shall be deemed and held to be doing business unlawfully, and if any officer, agent or employé, of any such corporation or association shall do business in this State, or assist in, or knowingly permit the same, in violation of the provisions of this act, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars or be imprisoned in the county jail not more than ninety days, or both, in the discretion of the court; and any person who shall have paid to any agent of such unauthorized individual, association, partnership or company, any premium moneys for insurance granted or to be granted, shall be entitled to recover the same back from such agent, or at his option, from the person, association, partnership or company for which he acted, by action of assumpsit, to be brought at any time within six years after such payment: *Provided*, This act shall not be construed so as to apply to any secret or fraternal society, lodge, council or association, now doing business in this State, which is under the supervision of a grand or supreme body, and furnishes insurance to its members, but neither pays any commissions nor employs any paid agents, whether organized under the laws of this or any other State.

Penalty.

Premium paid, entitled to recover.

Proviso.

Approved May 18, 1895.

[No. 160.]

AN ACT to authorize the formation of corporations for literary and scientific purposes, and to repeal an act entitled "An act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred sixty-five, as amended by act number eighteen of the session laws of eighteen sixty-seven, and act number seventy-two of the session laws of eighteen seventy-nine.

SECTION 1. *The People of the State of Michigan enact,* Powers of corporations.
That all corporations organized under the provisions of this act, shall be capable of suing and being sued in any court of this State, and may have a common seal, and alter and amend the same at pleasure; may elect in such manner as they may determine by their by-laws, all necessary officers, may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the members thereof may direct.

SEC. 2. Any number of persons not less than ten, who shall by articles of agreement, in writing, associate themselves together according to the provisions of this act, under the name assumed by them, for literary or scientific purposes, or both, and who shall comply with the provisions of this act, shall with their successors constitute a body politic and corporate in fact and name, under the name assumed by them in their articles of association. Number required to incorporate.

SEC. 3. The articles of association of every such society shall be signed by the persons associating in the first instance and acknowledged before some person authorized by the laws of this State to take the acknowledgments of deeds and shall state: Articles of association.

First, The names of the parties associating in the first instance, and their places of residence: Contents of articles.

Second, The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it is organized, which shall be only for the promotion of literary or scientific pursuits, or both.

SEC. 4. Before any corporation formed under this act shall commence business, the persons associating shall cause their articles of association to be filed in the office of the Secretary of State of this State, and in the office of the county clerk of the county in which the business of the association is transacted, and a copy of such articles certified by either of said officers shall be presumptive evidence of the facts therein stated, and of the incorporation of such association. Articles to be filed with Secretary of State and county clerk.

Directors of corporation.

SEC. 5. The affairs of said corporation shall be managed by not less than five nor more than nine directors to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors shall be chosen.

Power to hold property.

SEC. 6. Any corporation formed under this act shall possess all the powers usually possessed by corporations and may take by gift, purchase, devise or otherwise, and may hold property, both real and personal, to an amount not exceeding one hundred thousand dollars: *Provided*, That all property of such association shall be subject to taxes except such personal property as shall be exempt under the laws of this State, exempting the personal property of benevolent, charitable, educational and scientific institutions incorporated under the laws of this State.

Officers, and election of.

SEC. 7. The directors of said corporation shall choose from their number a president, vice president, secretary and treasurer, and such other officers as its articles of association or by-laws require, who shall hold their offices one year or until their successors are chosen. The directors of such association may fill any vacancy which may occur in their number for the unexpired portion of the term for which he was chosen.

If directors are not chosen at annual meeting, when may be chosen.

SEC. 8. If an election of directors of any such corporation shall not take place at the annual meeting thereof, in any year, such corporation shall not thereby be dissolved, but an election may be had at any time thereafter by the president or secretary giving fifteen days notice of the time and place of such election in some newspaper published in the county in which said corporation holds its office for the transaction of business, and if no newspaper be published in said county, then such notice shall be published in some newspaper printed in the county nearest thereto: *Provided*, That in case such officer shall refuse or neglect so to do, any three members of such corporation may call a meeting of the stockholders for the election of directors, by giving the notice provided in this section: *And provided further*, That such notice may be given by personal service of such notice on the members of such corporation, and such notice shall be sufficient if served on three-fourths of such membership.

Proviso as to refusal or neglect to serve.

Act repealed.

SEC. 9. An act entitled "An act to authorize the formation of corporations for literary and scientific purposes," approved March twenty-first, eighteen hundred sixty-five, as amended by act number eighteen of the session laws of eighteen hundred sixty-seven, and act number seventy-two of the session laws of eighteen seventy-nine, be and the same is hereby repealed: *Provided*, That the provisions of this act shall in nowise affect any corporation duly organized under said act.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 161.]

AN ACT to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor.

SECTION 1. *The People of the State of Michigan enact,* County treasurers to furnish transcripts of records.
 That the county treasurers of the several counties shall make or cause to be made on application therefor, transcripts of any papers or records on file in their offices, upon payment by applicants therefor of the following fees:
 For abstracts of taxes on any description of land, three cents for each year covered by such abstract or abstracts with statement of names and residences of taxpayers, twelve cents per year for each description of land therein; for list of State [tax] lands or State bids, two cents for each description of land therein; for one copy of any paper or document, at the rate of ten cents per [one] hundred words; for each certificate, twenty-five cents: *Provided,* Provide as to amount of fees.
 That in no case shall any abstract, list or copy made as required by this act, be furnished for a less sum than twenty-five cents: *Provided further,* Further provide. That for statements in respect to the payment of taxes required by section one hundred thirty-five of act two hundred six of the public acts of one thousand eight hundred ninety-three, the county treasurer shall receive twenty-five cents for each statement. All moneys collected under the provisions of this act shall be retained by the county treasurers collecting the same except in the counties of Wayne, Kent, Saginaw and Bay, in which counties such moneys shall be placed by the treasurers collecting the same to the credit of the general fund of the county.

Approved May 18, 1895.

[No. 162.]

AN ACT to amend section sixty-six of act numbered two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased, and to repeal act numbered two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in any wise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section sixty-six of act numbered two hundred and six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State, and not redeemed or purchased, and to repeal act numbered two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act," approved June first, eighteen hundred ninety-three, be and the same is hereby amended so as to read as follows:

Publication of
order and peti-
tion.

SEC. 66. The Auditor General shall cause a copy of said order and a copy of said petition to be published, at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof, in some newspaper published and circulating in the county where such petition is filed, to be selected by the Auditor General. Said order and petition shall both be published in the same newspaper, the order immediately preceding the petition: *Provided*, In such petition it shall be sufficient to print against each parcel the "amount of taxes," "interest," "charges," "total" due on each. The cost of such publication shall be paid by the State on the warrant of the Auditor General not exceeding forty cents for each parcel of land advertised. The proprietor of such paper shall furnish the proper county treasurer and Auditor General each with two copies of each issue containing such publication, and it shall be the duty of such Auditor General and treasurer to carefully examine the notices published and see that they are correct. Any person familiar with the facts may make an affidavit as to the publication required. The Auditor General shall not pay for any such publication until satisfied that it has been made according to law. The publication of the order and petition aforesaid shall be equivalent to a personal service of notice on all persons who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon and of the sale of the lands under the decree, and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of all taxes, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such petition, even though the amount involved therein be less than one hundred dollars. It shall be the duty of the prosecuting attorney to prosecute all such proceedings on the part of the State. If he shall refuse, neglect or be unable to do so, the court shall

Provide as to
amount of taxes
due on each
parcel of land.

Copies of pub-
lication.

Publication
equivalent to
personal notice.

Jurisdiction of
circuit court.

Prosecuting
attorney to pro-
secute.

appoint some competent person to take charge of and prosecute the same, who shall be paid by the county. The board of supervisors may employ some competent person to prosecute such proceedings or assist therein. Proof of the publication of the order and petition herein required shall be filed in the office of the county clerk before any final order is made. Any person against whom a decree has not been taken desiring to contest the validity of any tax shall file in writing his objections thereto with the clerk of the county on or before the day fixed in said notice for the hearing of such petition, and serve a copy thereof on the prosecuting attorney of the county in which said lands are advertised for sale, at least ten days prior to the day fixed in said notice for the hearing thereof, and shall not be allowed to make any objection not therein specified. If within the first five days after the day fixed in such notice for the hearing of such petition it shall be made to appear to the court that any person has been prevented from filing his objections to any tax, without any fault on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days. The court shall give precedence to the hearing of such petition over all other business, shall examine, consider and determine the matters therein stated and objections made in a summary manner without other pleadings, and make final decree thereon as the right of the case may be. The taxes specified in the petition shall be presumed to be legal and a decree be made therefor unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings, and shall decide all questions as to the admissibility of evidence and the decision so made shall be final, and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, interest and charges. If any tax shall be found illegal, such part shall be set aside, and the remaining tax shall be decreed valid. The total amount of taxes, interest and charges, as fixed by the court, shall be entered by the register of the court opposite each parcel of land in the column of said record under the heading, "Amount decreed against lands." If the court shall make any order setting aside the taxes on any parcel of land, or any part thereof, or any special order relating to any particular parcel of land, or taxes thereon, a brief entry of such order shall be made upon said record opposite such land or tax, which shall be signed by the judge of the court, either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of the final decree. At least ten days prior to the time

Filing of proof
of publication.

Contesting taxes.

Petitions to have
precedence.

Evidence.

Court orders and
decisions.

Separation and
rejection of
taxes.

Entry of decree.

Judge shall sign
order.

Final decree. fixed for the sale of such lands, the court shall make a final decree in favor of the State of Michigan for such taxes, interest and charges as shall be valid, and determine the total amount thereof chargeable against each parcel of land, and shall order and decree that such several parcels of land or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such decree shall be considered as a several decree in favor of the State of Michigan against each parcel of land for each tax included therein. The court may decree such costs against a person contesting any tax as may be equitable, if the tax, or any part thereof, which remains unpaid, be adjudged valid.

Cost may be decreed.

Approved May 18, 1895.

[No. 163.]

AN ACT to authorize the board of supervisors of any county of this State to acquire by condemnation proceedings all the rights of toll and plank road companies in the streets, avenues and highways in such county, and to authorize such board of supervisors to provide for and pay any damages awarded in such condemnation proceedings.

Board of supervisors may institute condemnation proceedings against plank road companies. SECTION 1. *The People of the State of Michigan enact,* That any board of supervisors of any county in the State of Michigan, in which any toll or plank roads are maintained under the laws of the State, are hereby authorized by proper resolution to institute proceedings for the condemnation of all the rights of such toll and plank road companies in any highway in such county.

Prosecuting attorney to institute proceedings in circuit court. SEC. 2. Whenever the board of supervisors of any county shall deem it necessary for the use and benefit of the public to condemn the rights of any toll or plank road in such county and to establish such road as a public highway, such board of supervisors shall by resolution so declare, and also describe the toll or plank road to be condemned, and shall direct the prosecuting attorney to institute proceedings in the circuit court of such county to carry out the objects of such resolution

Upon adoption of resolution attorney to file petition. SEC. 3. Upon the adoption by the board of supervisors of such resolution, it shall be the duty of the prosecuting attorney of such county to prepare and file in the name of the county in the circuit court of such county, a petition signed in the name of such county by said prosecuting attorney in his official capacity, which shall allege the adoption of such resolution, and annex thereto a copy thereof, and describe the toll or plank road to be condemned and set forth the names of the owners and others

Road condemned to be described.

interested in such toll or plank road, so far as the same can be ascertained, and shall set forth that it is necessary to condemn the rights of such toll or plank road for the public use and benefit; and pray that a jury may be empaneled to ascertain and fix the just compensation to be paid therefor. The petition may pray for any other or further relief being necessary within the objects of this act.

Empanel jury to fix compensation.

SEC. 4. The damages and compensation awarded by the jury in such cause and the expenses thereof shall be paid by such county, to be raised by a general tax to be levied and collected according to the laws with reference to general taxes in such county.

Damages and compensation to be paid by county.

SEC. 5. Upon filing said petition it shall be the duty of the clerk of said court to issue a summons against the respondents, named in the petition, commanding them to appear before said court at a time and place to be named in said summons, not less than twenty nor more than thirty days after the date of the same and show cause, if any they have, why the prayer of said petition should not be granted.

Clerk to issue summons against respondents.

SEC. 6. Said summons shall be served by the sheriff or other proper officer at least five days before the return day thereof upon all the respondents found in the county, by exhibiting the original and delivering a copy to each of them. If any respondent cannot be found or is a non-resident, or for any cause cannot be served, the officer shall make return of such fact, and the court, upon the return day of said summons, shall make an order requiring said respondent or respondents to appear and show cause why the prayer of the petition should not be granted, and that service upon such respondents be made by publishing a certified copy of such order for three successive weeks, at least once each week, in at least one newspaper published within the county, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons of due service and affidavit of publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and shall be sufficient evidence of service on the respondents and of the manner of service.

Summons to be served by sheriff.

Certified copy of order to be published.

Service deemed sufficient notice.

SEC. 7. On the return of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause for the contrary has been shown, the court shall make an order that a jury may be empaneled in said cause. Such jury shall be composed of twelve free-

When jury may be empaneled.

Who to constitute.

holders of the county, and shall be selected and empaneled in the same manner as jurors are empaneled for the condemnation of property for the convenience of the public as highways under the general statutes of the State of Michigan. The jurors so empaneled shall be sworn in substance that they will well and truly ascertain and determine the necessity for taking for the use and benefit of the public, the rights, property and interests, which the petition describes and prays to be taken; and if they shall determine that it is necessary to take such rights and property, that they then ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all such other duties as devolve upon them in such cause, and unless discharged by the court, a true verdict give according to the law and the evidence. The jury shall hear all proofs and allegations of the parties, and be instructed as to their duties in the law of the case by the judge of the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, and shall determine by their verdict the necessity for taking such private interest or property for the use and benefit of the public, for the purposes for which it is proposed to be taken, and in case they find such necessity exists, they shall award to the owner or owners of said plank or toll road or rights taken, such compensation as they shall deem just.

To be sworn.

To hear proofs and be instructed.

To award compensation.

When respondent may appeal from judgment.

When judgment confirmed, clerk to transmit copy of judgment to board of supervisors.

Supervisors to pay amount.

In case of refusal to accept money, court may direct to whom money is to be paid.

When court may issue writ of assistance.

SEC. 8. Any respondent, considering himself aggrieved by the award of the jury in said cause, shall have the right of appeal from such judgment to the supreme court in the same manner and with like effect as appeals from a judgment in a court of law as now authorized by the statutes of this State.

SEC. 9. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court confirming the judgment, it shall be the duty of the clerk of the court to transmit to the board of supervisors of such county a certified copy of such judgment, and thereupon the board of supervisors shall pay or cause to be paid to such respondents the amount of such judgment awarded by the jury in said cause, and upon the payment thereof all the rights, property, privileges and other interests of such respondents in said county shall be forever terminated, and the highway thus condemned shall become a public highway of such county.

SEC. 10. The court shall have power to make an order in said cause in case of the refusal of any of the parties to accept the award of the jury in said cause, to direct to whom the money is to be paid, and when and where it shall be deposited by the petitioner. Said court shall have all the usual powers in said cases. In case of the

resistance or refusal on the part of any person to the said petitioner or its agents, officers or servants, entering upon and taking possession of such highway, toll or plank road, or property interests held thereby, for the uses for which the same were taken, at any time after the amount of compensation aforesaid is actually paid or deposited, the said petitioner may apply to the court, and shall be entitled to a writ of assistance to put them in possession of such highway, toll or plank road.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 164.]

AN ACT to amend section twelve of act two hundred thirty-two, public acts of eighteen hundred eighty-five, being an act entitled "An act to revise the laws providing for the incorporation of all manufacturing companies except such as are contemplated by act number forty-two, of the session laws of eighteen hundred sixty-seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt, and mercantile companies or any union of the two, and to fix the duties and liabilities of such corporations," approved June twentieth, eighteen hundred and eighty-five, as amended by act one hundred and seventy, of the public acts of eighteen hundred eighty-nine, and acts number seventy-six, and one hundred and eighty-seven, of the public acts of eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section twelve of act number two hundred and thirty-two of the public acts of eighteen hundred and eighty-five, entitled "An act to revise the laws providing for the incorporation of all manufacturing companies except such as are contemplated by act number forty-two of the session laws of eighteen hundred sixty seven, which provides for the incorporation of persons or corporations engaged in the manufacture of salt, and mercantile companies or any union of the two, and to fix the duties and liabilities of such corporations," approved June twentieth, eighteen hundred and eighty-five, as amended by act one hundred and seventy, of the public acts of eighteen hundred eighty-nine, and acts number seventy-six and one hundred and eighty-seven, of the public acts of eighteen hundred ninety-three, be amended so as to read as follows:

SEC. 12. Every such corporation carrying on its manufacturing or mercantile business within or without this State, shall annually, in the month of January or February, make duplicate reports for the fiscal year of such Annual report of corporation.

corporation, which shall state the amount of the capital stock of the corporation, and the amount actually paid in, the amount invested in real and in personal estate, the amount of debts of the corporation and the amounts of credits, the name of each stockholder and the number of shares held by him at the date of such reports, and such other information as the Secretary of State may require; which duplicate reports shall be made on suitable blanks furnished by the Secretary of State on application, signed by a majority of the directors, verified by the oath of the secretary of the corporation, and deposited in the office of the Secretary of State; such duplicate reports shall be so deposited within the said month of January or February. The Secretary of State shall carefully examine such reports, and if upon such examination, they shall be found to comply with all the requirements of this section, he shall file one of them in his office, and shall forward the other by mail, to the county clerk of the county in which the office in this State, for the transaction of the business of the corporation so reported, is situated, and it shall be the duty of such county clerk, upon receipt of such report, to immediately cause the same to be filed in his office. If any of said directors of any such corporation shall willfully neglect or refuse to make and deposit the report required by this section, within the time hereinbefore specified, they shall each be liable for all the debts of such corporation and subject to a penalty of twenty-five dollars, and in addition thereto the sum of five dollars for each and every secular day after the first day of March in each year during the pendency of such neglect or refusal, which penalty shall be for the use and benefit of the general fund of this State. The Secretary of State shall, during the last week in June in each year, report to the Attorney General, in writing, the name and postoffice address of each and every corporation which has failed to comply with the provisions of this section, and upon receipt of such report it shall be the duty of the Attorney General to institute proceedings in any court of competent jurisdiction to collect said penalties, and all necessary expenses incurred by the Attorney General in such proceedings shall be audited by the Board of State Auditors, and paid from the general fund of the State. And in case a corporation organized or existing under the provisions of this act shall be dissolved by process of law, or whose term of existence shall terminate by limitation, whose property and franchises shall be sold at mortgage sale or at private sale, or for any reason the attitude of the corporation toward the State shall be changed from that set forth in the articles of association, except as is provided in sections two and seventeen, it shall be the duty of the last board of directors of such corporation, within thirty days thereafter, to give written notice of such change to the Secretary of State and county clerk

Blanks for.

Signed and acknowledged.

Secretary of State to examine and file reports, when.

Duty of county clerk.

Neglect.

Penalty.

Secretary of State to annually report to Attorney General.

Dissolution of corporation by process of law, limitation, etc., to be noticed by last board of directors to Secretary of State.

of the county where the office of such corporation is located, signed by a majority of such directors, which said notice shall be recorded as amendments are required to be recorded; and in case of neglect to give such notice they shall be subject to the same penalties provided in case of neglect to make annual reports, which said penalties shall be collected and applied in the same manner as in case of neglect in making annual reports. It shall be the duty of the Secretary of State during the month of December, A. D. eighteen hundred ninety-five, to cause to be mailed to every corporation subject to the provisions of act number two hundred thirty-two, public acts of eighteen hundred eighty-five, as amended, a printed copy of this act.

Neglect, penalty for.

Duty of Secretary of State.

Approved May 18, 1895.

[No. 165.]

AN ACT to make an appropriation for the support [of] the State Agricultural College, for the erection and repair of buildings, and other improvements at said college.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State Treasury, for the benefit of the Agricultural College, as follows: Three thousand dollars for three water closets for dormitories; twelve thousand dollars for the repair of buildings, building walks and repairing burned building; eight thousand dollars for student labor; a total of twenty-three thousand dollars, of which total appropriation thirteen thousand dollars shall be paid in the year one thousand eight hundred ninety-five, and ten thousand in the year one thousand eight hundred ninety-six, which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction of the State Board of Agriculture for the purposes aforesaid, and shall be drawn from the treasury on presentation of the proper certificate of said board to the Auditor General and on his warrants to the State Treasurer.

Appropriation, amount and object of.

SEC. 2. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred ninety-five, the sum of thirteen thousand dollars, and in the year one thousand eight hundred ninety-six, the sum of ten thousand dollars, to be assessed and levied in like manner as other taxes are assessed, levied and paid; which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom as provided for in this act.

To be incorporated in taxes of 1895-96.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 166.]

AN ACT to authorize the State Board of Agriculture to hold institutes and to establish courses of reading and lectures for the instruction of citizens of this State in the various branches of agriculture, and making an appropriation therefor.

State Board of
Agriculture au-
thorized to hold
institutes.

Rules and
regulations.

When and how
organized.

Proviso as to
number of
institutes.

Annual institute
to be held.

County society
to provide hall.

Proviso.

SECTION 1. *The People of the State of Michigan enact,* That the State Board of Agriculture is hereby authorized to hold institutes and to maintain courses of reading and lectures for the instruction of citizens of this State in the various branches of agriculture and kindred sciences. The said board shall formulate such rules and regulations as it shall deem proper to carry on the work contemplated in this act and may employ an agent or agents to perform such duties in connection therewith as it shall deem best.

SEC. 2. When twenty or more persons, residents of any county in this State, organize themselves into a society to be called the _____ county farmers' institute society for the purpose of teaching better methods of farming, stock raising, fruit culture, and all the branches of business connected with the industry of agriculture, and adopt a constitution and by-laws agreeable to rules and regulations furnished by the State Board of Agriculture; and when such society shall have elected such proper officers and performed such other acts as may be required by the rules of said board, such society shall be deemed an institute society in the meaning of this act: *Provided,* That not more than one such institute society in any county shall be authorized by this act: *And provided further,* That any existing organization, approved by the Board of Agriculture, shall be considered a legally organized institute society under the terms of this act.

SEC. 3. In each county where an institute society shall be organized under the provisions of this act, the State Board of Agriculture shall hold one annual institute, two days in length, at such place in the county and at such time as said board may deem expedient, and shall furnish at least two speakers, or lecturers, with all expenses paid, to be present at all sessions of the institute. The county institute society shall provide a suitable hall for the institute, furnish fuel and lights and pay other local expenses, and shall provide speakers who shall occupy one-half the time of the institute that is given to set addresses: *Provided,* That upon the request of any local institute society who desire to conduct their own institute the State Board of Agriculture may, in their discretion, appropriate from the institute fund, money, not to exceed twenty-five dollars, in lieu of the speakers provided for by this act, said money to be expended by said local institute society entirely in institute work.

SEC. 4. If the funds appropriated by this act will permit, the said Board of Agriculture may hold a number of four day institutes, at such places and times as said board may determine, at which the primary object shall be to furnish a school of instruction in practical agriculture, and kindred sciences.

When additional institutes may be held.

SEC. 5. The State Board of Agriculture shall maintain the course of reading known as the Farm Home Reading Circle, and may expend from the moneys appropriated by this act, a sum not to exceed two hundred dollars for each of the two years for which the appropriation is made, for the maintenance and extension of said course.

Course of reading to be maintained.

SEC. 6. For the purposes mentioned in the preceding sections the said Board of Agriculture may use such sum as it shall deem proper, not exceeding the sum of five thousand dollars in the year ending June thirtieth, eighteen hundred ninety-six, and five thousand dollars in the year ending June thirtieth, eighteen hundred ninety-seven, and such amounts are hereby appropriated from the general funds of this State, which said sum of five thousand dollars shall for each of the years eighteen hundred ninety-five and eighteen hundred ninety-six be included in the State taxes apportioned by the Auditor General on all the taxable property of the State, to be levied, assessed and collected as are other State taxes, and when so assessed and collected to be paid into the general fund to reimburse said fund for the appropriations made by this act.

Amount of money Board of Agriculture may expend.

Amount to be apportioned.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 167.]

AN ACT providing for the support and maintenance of the Michigan Mining School for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, and making an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,* That the sum of eighty thousand dollars be, and the same is hereby appropriated from the general fund in the State treasury not otherwise appropriated, for the Michigan Mining School at Houghton, to be expended under the direction of the board of control of said school as hereinafter specified; and the money for payments under this act shall be drawn from the State treasury on the requisitions by said board of control, signed by the president and secretary thereof, which shall be presented to the Auditor General, who shall draw his warrants on the State Treasurer therefor.

Appropriation, amount and object.

Appropriation
for the year
1895-96.

SEC. 2. The sum of eighty thousand dollars named in section one of this act shall be used for the support and maintenance of said mining school for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

Board of control
authorized to
draw money
appropriated.

SEC. 3. The said board of control is hereby authorized at any time during the year eighteen hundred and ninety-five, or thereafter, by requisitions signed by the president and secretary thereof, to draw from the general fund of the State treasury as the same may be needed during the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, for the support and maintenance of said school, the money named in section three of this act.

To be incor-
porated in taxes of
1895-96.

SEC. 4. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-five the sum of forty thousand dollars, and for the year [eighteen] hundred and ninety-six the sum of forty thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected which sum when collected shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 168.]

AN ACT to make an appropriation for building one detached building for male patients, for additional fire protection, for a physician's house at the colony, for horse barn and shed for wagons, farm implements and the storage of hay, and for extraordinary repairs and renewals at the Michigan Asylum for the Insane at Kalamazoo.

Appropriation,
amount and ob-
ject of.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated out of the State treasury to the Michigan Asylum for the Insane the sum of thirty-eight thousand and five hundred dollars to be expended as follows: For one detached building for one hundred male patients, thirty thousand dollars: *Provided,* One-half of said sum shall be payable in eighteen hundred ninety-six, and one-half in eighteen hundred ninety-seven, quarterly as required; for the installation of automatic sprinklers or other additional fire protection, two thousand dollars; for horse barn and shed for wagons, farm implements, and for the storage of hay, two thousand five hundred dollars; for extraordinary repairs and renewals, four thousand dollars.

SEC. 2. The money appropriated hereby may be drawn from the State Treasury on the warrant of the Auditor General in such sums and at such times as shall be made to appear necessary, but not to conflict with the above proviso. The sums thus appropriated shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers in monthly accounts current and abstracts as provided for by act one hundred forty-eight, of the laws of eighteen hundred seventy-three, and as amended by act one hundred forty-six, laws of eighteen hundred ninety-one.

When money appropriated may be drawn.

SEC. 3. The Auditor General is hereby authorized to incorporate the sum of nineteen thousand two hundred and fifty dollars in the State tax for the year eighteen hundred ninety-five, and nineteen thousand two hundred and fifty dollars in the State tax for the year eighteen hundred ninety-six and when collected place the same to the credit of the general fund.

To be incorporated in taxes of 1895-96.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 169.]

AN ACT appropriating money for the construction of one building for patients, and other requirements of the Michigan Asylum for Dangerous and Criminal Insane.

SECTION 1. *The People of the State of Michigan enact,* That the sum of forty-two thousand three hundred and seventy-five dollars be and is hereby appropriated out of the general fund, for the use of the Michigan Asylum for Dangerous and Criminal Insane, to be expended as follows: For constructing one building for the accommodation of seventy-five patients, and addition to "branch" dining room, thirty-three thousand seven hundred dollars; for furniture, three thousand dollars; additional water supply, six hundred dollars; improvement of grounds and wiring building and purchasing appliances for lighting, six hundred dollars; hose, hose wagons, and hydrants, six hundred and fifty dollars; addition to barn and sheds, twelve hundred dollars; water heaters eight hundred and seventy-five dollars; steam trap, one hundred dollars; water gauge, seventy-five dollars; tile floor "branch kitchen," one hundred dollars; pipe covering, two hundred and fifty dollars; bake oven, five hundred dollars; watchman's clock, one hundred and twenty-five dollars; general repairs, six hundred dollars.

Appropriation, amount, purpose, etc.

SEC. 2. The money appropriated hereby may be drawn from the State treasury by the board of trustees and the

Money to be drawn from general fund.

Provide as to
amounts to be
drawn for the
different years.

To be incorpo-
rated in tax of
1895-96.

treasurer of the Michigan Asylum for Dangerous and Criminal Insane, upon the warrant of the Auditor General, at such time, and in such amounts, as may appear necessary: *Provided*, That a sum not to exceed twenty-eight hundred dollars may be drawn during the year eighteen hundred ninety-five, and the further sum of thirty-two thousand two hundred dollars may be drawn after March first, eighteen hundred ninety-six, and the further sum of seven thousand three hundred and seventy-five dollars may be drawn after April first, eighteen hundred ninety-seven.

SEC. 3. The Auditor General is hereby authorized to incorporate in the State tax for eighteen hundred and ninety-five the sum of thirty-five thousand dollars, and for the year eighteen hundred ninety-six the sum of seven thousand three hundred and seventy-five dollars, which sum when collected shall be placed to the credit of the general fund.

This act is ordered to take immediate effect.
Approved May 18, 1895.

[No. 170.]

AN ACT making an appropriation for improvements and furnishings for the branch prison at Marquette.

Appropriation,
amount and ob-
ject of.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated out of the State treasury the sum of five thousand six hundred and seventy-five dollars, which shall be expended for the following purposes: For furniture for one hundred cells the sum of twelve hundred dollars; for laying cement floor in east cell building and sidewalks in the yard about the building, the sum of one thousand dollars; for electric call and alarm system, including six telephones, the sum of five hundred dollars; for four hundred and eight feet of copper ridge roll the sum of two hundred and seventy-five dollars; for crusher plant as follows: One crusher, six hundred and fifty dollars; one twenty-five horse power engine and boiler, nine hundred dollars; one revolving screen, one hundred and fifty dollars; one elevator, one hundred dollars; crusher house, six hundred dollars; freight and installation, three hundred dollars, which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction of the board of control of such prison for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificate of said board of control to the Auditor General and on his warrant to the State Treasurer.

To be incorpo-
rated in taxes of
1896.

SEC. 2. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred

and ninety-five, the sum of five thousand six hundred and seventy-five dollars, to be assessed and levied in like manner as other taxes are assessed, levied and paid, which tax when collected shall be paid and credited to the general fund to reimburse said fund for the sum appropriated by this act.

This act is ordered to take immediate effect.
Approved May 18, 1895.

[No. 171.]

AN ACT making appropriations for the current expenses of the Michigan State Normal School for the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six; and to erect and equip a building for a training school in connection therewith.

SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer shall transfer from the general fund to the Normal School interest fund the sum of fifty-eight thousand four hundred and fifty dollars for the year one thousand eight hundred and ninety-five, and the sum of fifty-eight thousand four hundred and fifty dollars for the year one thousand eight hundred and ninety-six, which sums are hereby appropriated for the current expenses of the State Normal School for the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant to the State Treasurer.

Appropriation,
amount and ob-
ject of.

SEC. 2. That there be and the same is hereby appropriated out of the general fund in the State treasury for the year one thousand eight hundred and ninety-six, the sum of twenty-five thousand dollars for the erection and the equipment of a training school building for the use of said normal school, which sum shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant to the State Treasurer: *Provided,* That said sum of twenty-five thousand dollars shall not be drawn from the treasury until after April first, one thousand eight hundred and ninety-six.

Additional ap-
propriation for
training school
building.

SEC. 3. The Auditor General shall incorporate in the State tax for the year one thousand eight hundred and ninety-five, the sum of eighty-three thousand four hundred and fifty dollars, and in the State tax for the year one thousand eight hundred and ninety-six, the sum of fifty-eight thousand four hundred and fifty dollars, which tax, when collected, shall be credited to the general fund to

To be incorpo-
rated in taxes of
1895-96.

reimburse the same for the sums to be drawn therefrom, as provided in sections one and two of this act.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 172.]

AN ACT making appropriations for the Industrial School for Boys for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

Appropriation,
amount and ob-
ject of.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifty-six thousand dollars for the year eighteen hundred and ninety-five, and the further sum of fifty-six thousand dollars for the year eighteen hundred and ninety-six, or so much of said sums as may be necessary, are hereby appropriated to defray the current expenses of the Industrial School for Boys.

Additional ap-
propriation for
special purposes.

SEC. 2. The further sum of twenty-one thousand dollars, or as much thereof as may be necessary, is hereby appropriated for the following special purposes: For the maintenance of the department of technology, one thousand dollars for the year eighteen hundred and ninety-five and one thousand dollars for the year eighteen hundred and ninety-six. For sidewalks and fences, three hundred and seventy-five dollars for the year eighteen hundred and ninety-five and three hundred and seventy-five dollars for the year eighteen hundred and ninety-six. For painting, three hundred and seventy-five dollars for the year eighteen hundred and ninety-five and three hundred and seventy-five dollars for the year eighteen hundred and ninety-six. For a silo and feed cutter, five hundred dollars. For building and equipping a greenhouse, one thousand dollars. For building and furnishing a cottage, sixteen thousand dollars; the last two amounts not to be drawn from the State treasury before April first, eighteen hundred and ninety-six.

To be incorpo-
rated in taxes of
1895-96.

SEC. 3. The Auditor General shall add to and incorporate with the State taxes for the year eighteen hundred and ninety-five, seventy-five thousand two hundred and fifty dollars, and for the year eighteen hundred and ninety-six, fifty-seven thousand seven hundred and fifty dollars to be assessed, levied and collected as any other State taxes are assessed, levied and collected, which sums, when collected, shall be passed to the credit of the general fund to reimburse it for the sums appropriated by sections one and two of this act.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[No. 173.]

AN ACT making an appropriation reimbursing the city of Kalamazoo for building a sewer, connecting the Michigan Asylum for the Insane with the sewer system of the city of Kalamazoo.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated out of the State treasury to the city of Kalamazoo, the sum of four thousand dollars to reimburse it for the building of a sewer to connect the Michigan Asylum for the Insane with the sewer system of the city of Kalamazoo: *Provided,* The State shall in no way be deemed to acknowledge any further indebtedness, or waive any right secured by the agreement made and entered into at Kalamazoo, on January twenty-fifth, eighteen hundred eighty-two, by and between the president and trustees of the village of Kalamazoo of the first part and the trustees of the Michigan Asylum for the Insane at Kalamazoo, in behalf of the people of the State of Michigan, of the second part.

SEC. 2. The money appropriated hereby may be drawn from the State treasury on or after March first, eighteen hundred ninety-six, on the warrant of the Auditor General in such sums and at such times as shall be made to appear to him necessary. The sum thus appropriated shall be expended only for the purposes specified in this act and its receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current to be certified to by the mayor of said city of Kalamazoo: *Pro-* Further provide.
vided, further, And it is expressly understood and agreed that the city of Kalamazoo shall build and [furnish] finish said sewer with a size of twelve inches at said asylum and a guaranteed capacity of carrying five hundred thousand gallons of sewerage per day from Michigan Asylum.

SEC. 3. The Auditor General is hereby authorized to incorporate the sum of four thousand dollars in the State tax for eighteen hundred and ninety-five, and when collected, place the same to the credit of the general fund.

Approved May 18, 1895.

[No. 174.]

AN ACT to amend section twenty-two of act number thirty-eight of the session laws of eighteen hundred and seventy-seven, entitled "An act to amend act number eighty-two of the session laws of eighteen hundred and seventy-three, approved April fifteenth, eighteen hundred seventy-three, by adding one new section thereto to stand as section twenty-two, providing for the organization of

mutual fire insurance companies to insure property in cities and villages exclusively," and to repeal act number one hundred ninety of the laws of eighteen hundred ninety-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-two of act number thirty-eight of the session laws of eighteen hundred and seventy-seven, entitled "An act to amend act number eighty-two of the session laws of eighteen hundred and seventy-three, approved April fifteenth, eighteen hundred seventy-three, by adding one new section thereto to stand as section twenty-two, providing for the organization of mutual fire insurance companies, to insure property in cities and villages exclusively," be amended so as to read as follows:

What class of buildings mutual fire insurance companies may insure.

SEC. 22. Companies heretofore organized in this State, or which may organize or reorganize hereafter for the purpose of mutual fire insurance of the property of its members, may, under this act, insure any and every class of buildings and contents, such risks being duly classified according to the degree of hazard, as shall be determined by said companies, and which shall be set forth in the charter of such companies, and not inconsistent with the constitution and laws of this State: *Provided,* That the class of companies set forth in this section may do business in all parts of the State of Michigan, but shall not insure farm property, and except as provided in this section, shall be governed by all the provisions of the act to which this is amendatory, act number one hundred ninety of the laws of eighteen hundred ninety-three being hereby repealed.

Proviso as to class of companies.

Repealing clause.

Approved May 21, 1895.

[No. 175.]

AN ACT to repeal act forty-one of the public acts of eighteen hundred eighty-five, entitled "An act to provide for the partition of real estate in certain cases, being compiler's section five thousand nine hundred eighty-five *a* of the third Howell's annotated statutes.

Repealing clause.

SECTION 1. *The People of the State of Michigan enact,* That act forty-one of the public acts of eighteen hundred eighty-five, entitled "An act to provide for the partition of real estate in certain cases, being compiler's section five thousand nine hundred eighty-five *a* of third Howell's annotated statutes, be and the same is hereby repealed.

Approved May 21, 1895.

[No. 176.]

AN ACT empowering the Governor and Board of State Auditors to authorize the rebuilding or repair of any building owned by the State of Michigan which may at any time be destroyed or damaged by fire, explosion or other accident, and the purchase of property to take the place of any property of the State lost, damaged or destroyed by any such fire or accident, and making a contingent appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,* That whenever a fire, explosion or other accident shall occur by which any State institution or any building or property owned by the State of Michigan, shall be injured or destroyed, the governing board of such institution, or the legal custodian of the building or property so injured or destroyed by such fire or accident shall furnish to the Governor of the State of Michigan a detailed statement of the damage to the property of the State by such fire or accident, together with plans and specifications for the re-building or repair of any building or buildings of the State so damaged or destroyed, with a careful estimate of the cost of rebuilding, repairing or replacing the same.

Board of State Auditors authorized to rebuild State buildings destroyed by fire.

SEC. 2. On receiving the statement and estimate mentioned in section one of this act, the Governor shall convene the Board of State Auditors, and the Governor and Board of State Auditors shall conjointly have the power to authorize immediate repair or rebuilding of such building and the purchase of any necessary property to replace that lost, damaged or destroyed; and in case the funds in the State treasury, not otherwise appropriated, shall be insufficient, the Governor and Board of State Auditors may borrow, on the faith and credit of the State of Michigan, such sum or sums of money as shall be necessary, within the restrictions of the constitution of the State, with which to rebuild, repair and restore such damaged or destroyed building, and to purchase necessary furniture and other property to take the place of that so lost, damaged or destroyed: *Provided*, That the amount drawn from the State Treasury, including any money borrowed in pursuance of this act, shall not exceed the sum of one hundred thousand dollars during any period extending from the fiftieth day of any legislative session, to the opening of the next succeeding legislature.

When Governor may convene Board of State Auditors to rebuild State buildings.

When funds insufficient, board may borrow money.

Provided as to amount.

SEC. 3. All money borrowed in pursuance of the provisions of this act shall be paid to the State Treasurer and kept by him in a special fund, and disbursed only on the warrant of the Auditor General, as hereinafter provided. The governing board, or other legal custodian of the property of the State damaged by fire or other accident shall keep, or cause to be kept, a separate account of the disbursements by reason of such fire or accident, under the

Money borrowed to be kept in special fund.

Auditor General
to draw his war-
rant.

head of "special appropriations," and pay such accounts from any moneys in the current expense fund, rendering monthly, by vouchers to the Auditor General, a statement showing the amount disbursed, under an appropriate heading. It shall be the duty of the Auditor General to draw his warrant upon the State treasury monthly for a sum sufficient to cover the actual disbursements under such heading, which sum shall be paid to the treasurer or legal custodian of the funds of the institution or property damaged or destroyed, or if not connected with a State institution, the legal custodian of the property so lost, damaged or destroyed by fire or other accident, to reimburse its current expense fund for money thus disbursed: *Provided*, That when warrants shall have been drawn as aforesaid to the amount of one hundred thousand dollars, no further warrant shall be drawn under the provisions of this act previous to the expiration of the time limited for the introduction of bills at the next succeeding session of the legislature.

Governing board
to state amount
of damage.

SEC. 4. The governing board of any institution, or legal custodian of any property, which shall have been replaced, repaired or rebuilt in whole or in part under the provisions of this act, shall show in their, or his, report to the Governor and the legislature of the State of Michigan, the extent of the damage which such institution or property sustained by fire or other accident, and if a building, the plans upon which the same has been or is being rebuilt; if personal property, the extent to which that lost or damaged has been replaced; likewise the total amount disbursed under the provisions of this act.

Appropriation
not to exceed
certain amount.

SEC. 5. That there be and there is hereby appropriated out of any money in the treasury not otherwise appropriated, such sums as may be necessary for the purposes of this act not exceeding the sum of one hundred thousand dollars.

Approved May 21, 1895.

[No. 177.]

AN ACT to amend sections one, two and four of act number one hundred sixty-three of the public acts of eighteen hundred fifty-one, of the State of Michigan, being an act entitled "An act to provide for the letting to contract, furnishing of fuel and stationery for the use of the State, and also the State printing and binding," as amended by act number sixty-one of the public acts of eighteen hundred seventy-three, approved April one, eighteen hundred seventy-three, being compiler's sections three hundred forty-six, three hundred forty-seven and three hundred

forty-nine of Howell's annotated statutes, as amended by act number two hundred three, of the session laws of eighteen hundred eighty-nine, and act number eighty-three of the session laws of eighteen hundred ninety-one, of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one, two and four of act number one hundred sixty-three of the public acts of eighteen hundred fifty-one, of the State of Michigan, being an act entitled "An act to provide for the letting to contract, furnishing of fuel and stationery for the use of the State, and also the State printing and binding," as amended by act number sixty-one of the public acts of eighteen hundred seventy-three, approved April one, eighteen hundred seventy-three, being compiler's sections three hundred forty-six, three hundred forty-seven and three hundred forty-nine of Howell's annotated statutes, as amended by act number two hundred three, of the session laws of eighteen hundred eighty-nine and act number eighty-three of the session laws of eighteen hundred ninety-one, of the State of Michigan, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Secretary of State to advertise for proposals for fuel and stationery.
That it shall be the duty of the Secretary of State during the month of April, in the year one thousand eight hundred and ninety-five, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, in one or more daily newspapers published in the city of Detroit, and in a daily newspaper printed in the city of Grand Rapids, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, which said notice shall be published at least once in each week for six successive weeks before the time specified for examining such proposals: *Provided,* Provided, That no such proposals shall be received after nine o'clock in the forenoon of the second Wednesday in May; and that said proposals shall be opened on the second Wednesday in May in public, by the Board of State Auditors and the several contracts shall be awarded to the lowest and best responsible bidder or bidders, on or before the second Wednesday of June following; and in the month of December, one thousand eight hundred and ninety-five, and every second year thereafter, cause to be published in the same manner, a notice specifying the time and place for receiving separate sealed proposals for Proposals for printing and binding. printing and binding the laws, journals and documents, all blanks, papers, and printing for the executive and judiciary departments, and all other printing ordered by the legislature, which said notice shall be published at least once in every week for six successive weeks before the time specified for examining such proposals: *Provided,* Provided,

Provide in case of rejection of all bids when to readvertise.

Provide.

Notice, what to specify.

Security required.

Bidder to furnish samples.

State Auditors to examine proposals and let contracts.

Provide.

That no such proposals shall be received after nine o'clock in the forenoon of the third Wednesday in January; and that said proposals shall be opened on the third Wednesday in January in public, by the Board of State Auditors, and the several contracts shall be awarded to the lowest and best responsible bidder or bidders, on or before the second Wednesday of April following: *Provided, however,* That the Board of State Auditors shall have a right to reject any and all bids, and in case the said Board of State Auditors reject all of the bids on any article advertised for, under the provisions of this section, then the said Secretary of State shall, within ten days after such decision by the said Board of State Auditors, readvertise for the same length of time, in the same manner, as near as may be, for such articles for which the bids were so rejected by the said Board of State Auditors, and the bid shall be opened and the contract let in the same manner, as near as may be, as provided for letting contracts had the bids not been rejected, and within the same length of time: *Provided further,* That if from any cause it shall not be practicable for the Secretary of State to advertise as provided in this section, in the month of April, one thousand eight hundred and ninety-five, then the said Secretary of State shall have the right to advertise for such bids as soon thereafter as practicable, by giving the same notice and observing all the provisions of this section as near as may be.

SEC. 2. Said notice shall specify the kind and quality of the articles, but under no circumstances shall the name of the manufacturers or brand be given in any advertisement or specifications of articles for which proposals are to be received. Ample security shall be required for the faithful performance of each and every contract made in pursuance of said notice. All stationery and supplies in the nature of stationery, school and janitors' supplies, of which such a quantity can be foreseen as will last till the next contract is let, and provided they can be bought in sufficient quantities to make it an object, shall be placed under contract. Each bidder for stationery shall furnish at the time of putting in his bid samples of the articles asked for, corresponding with his bid, said samples to be marked with the item, number and price, and no bid shall be entertained for items on which no samples are furnished.

SEC. 4. At the time and place certified in said notice, it shall be the duty of the Board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State, pursuant to such notice: *Provided,* That no bid shall be entertained unless accompanied by a guarantee bond, in such amount as said Board of State Auditors shall require, conditioned that the bidders will enter into the contract if awarded them. The Board of State Auditors shall properly prepare a

schedule of all bids, and examine and compare the samples for stationery separately, and immediately enter into written contracts to commence on the first day of July, one thousand eight hundred and ninety-five, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the Board of State Auditors shall require for the faithful performance of said contract, and stipulating that in the case of the failure of the bidders to perform their contract, such bondsmen shall pay the difference, if any, between the amount of the bid made by the contractor and the price of such goods in open market. Failure upon the part of any contractor to furnish goods within a reasonable time, complying with contract sample, shall, in the discretion of the board, work a forfeiture of said contract, and the board may purchase such goods in open market, charging any increase of the cost thereof to said contractor, and may call upon the bondsmen to pay said amount upon the failure of the contractor so to do; and if such bondsmen shall fail to pay when called upon so to do said board shall institute, for and on behalf of the State, the proper proceeding, or proceedings, to recover any damages sustained because of non-fulfillment of any contract to furnish any of the goods provided herein, and so contracted to furnish.

Contracts, when
to commence.

Failure to
comply.

Bondsmen, when
to proceed
against.

SEC. 5. The contracts for furnishing fuel and stationery for the use of the State, which shall be made under this act in the year eighteen hundred ninety-five, shall be for the period of two years beginning July first, eighteen hundred ninety-five, and ending June thirtieth, eighteen hundred ninety-seven; and the contracts for printing and binding, made in accordance with this act, shall be for the period beginning July first, eighteen hundred ninety-six, and ending June thirtieth, eighteen hundred ninety-eight. And all subsequent contracts shall be for the period of two years from and after the expiration of existing contracts.

Contracts when
made, length of.

This act is ordered to take immediate effect.

Approved May 21, 1895.

[No. 178.]

AN ACT to amend sections twelve and twenty-nine of act number two hundred sixty-four of the session laws of eighteen hundred sixty-one, entitled "An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula," approved March sixteenth, eighteen hundred sixty-one, as subsequently amended, the same being sections eight thousand sixty-eight and eight thousand eighty-five of Howell's annotated statutes.

ctions
ended.

SECTION 1. *The People of the State of Michigan enact,* That sections twelve and twenty-nine of act number two hundred sixty-four of the session laws of eighteen hundred sixty-one, entitled "An act to authorize proceedings by garnishment in the circuit courts and the district court of the upper peninsula," approved March sixteenth, eighteen hundred sixty-one, as subsequently amended, the same being sections eight thousand sixty-eight and eight thousand eighty-five of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

Writ of garnish-
ment, how held.

§ 8068. SEC. 12. The affidavit for the writ of garnishment shall be held and considered as a declaration by the plaintiff in trover against the garnishee as defendant where the garnishee is chargeable for property, and for money had and received when he is chargeable upon indebtedness against the garnishee; and upon the filing of the garnishee disclosure, or upon filing of the answers to such written interrogatories in cases where the same are required and filed, or upon the filing of the report of the testimony or statement made by such garnishee on such personal examination in cases where such examination is had, the matter of such affidavit shall be considered as denied, except so far as the same is admitted by such disclosure, answers to interrogatories or report, which admission shall have the effect of admissions in a plea, and also shall be *prima facie* evidence of the matters therein admitted. And thereupon a statutory issue shall be deemed framed for the trial of the question of the garnishee's liability to the plaintiff. And judgment may be rendered against such garnishee defendant, as upon declaration and plea, or on plaintiff's motion to the court at any time after final judgment against the defendant in the principal cause, without further notice to such garnishee: *Provided, however,* If such plaintiff or such garnishee defendant shall within ten days after filing of such disclosure, answer, or statement, file with the clerk of such court a demand for trial of the cause, said cause shall stand for trial in the manner provided by this act. The time for filing said demand may be extended by the court upon application and showing. This act shall apply to proceedings pending as well as to such as may hereafter be begun.

Judgment.

Proviso.

Rights of per-
sons claiming
property in
hands of gar-
nishee.

§ 8085. SEC. 29. When the answer of the garnishee shall declare that any other person than the defendant claims the indebtedness or property in his hands, or any part thereof, and the name and residence of such claimant, if residing within the county or an adjoining county, or without the State, the court may, on motion, order that such claimant be interpleaded as a defendant to the garnishee action, and that notice thereof, setting forth the fact with a copy of such order, in such form as the court shall direct, be served upon him; and after such service

shall have been made the garnishee may pay or deliver such indebtedness or property to the clerk of the court, and have a receipt therefor, which shall be a complete discharge from all liability to any party for the amount so paid or the property so delivered. Such notice shall be served within the State of Michigan by the sheriff of the county where such service is made, in the manner required for service of a summons in a civil action. If served outside the State of Michigan, such service shall be made by any competent person, and proof of the fact of such service shall be made by affidavit, and filed with the clerk of the court where such garnishee proceedings are commenced. If such personal service cannot be had, then such service shall be made as the court shall direct. Upon such service being made, and proof thereof filed in the cause, such claimant shall be deemed a defendant to the garnishee action, and within twenty days shall answer, setting forth his claim, or any defense which the garnishee might have made. In case of default judgment may be rendered, which shall conclude any claim upon the part of such defendant. For the purpose of trying the title as between the plaintiff and any defendant or defendants, and between two or more defendants so interpleaded to the money, property or indebtedness paid to or delivered to the clerk as aforesaid, the court may order an issue to be formed, and may proceed to try the same, or direct the trial thereof by a jury as in other cases. Such issue may be in the form provided in this act to be formed between the plaintiff and the garnishee, and the judgment or judgments entered therein shall have the same force and effect as in suits between the same parties relative to the same subject matter.

When claimant shall be deemed a defendant to the garnishee action.

Approved May 21, 1895.

[No. 179.]

AN ACT to amend section one of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven, being section twenty-one hundred twenty-three of Howell's statutes, entitled "An act to provide for a tax upon dogs and to create a fund for the payment for certain damages for sheep killed or wounded by them in certain cases," and all acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven, being section twenty-one hundred twenty-three of

Section amended

Howell's statutes, be and is hereby amended to read as follows:

Amount of tax upon dogs.

SECTION 1. That in all townships and cities of this State, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over three months old owned or kept by one person or family, one dollar; upon every female dog three months old, owned or kept by one person or family, three dollars.

Acts repealed.

SEC. 2. All acts or parts of acts in contravention of the provisions of this act are hereby repealed.

Approved May 21, 1895.

[No. 180.]

AN ACT to provide for the taking of testimony by depositions in judicial proceedings, and repealing acts inconsistent therewith.

Testimony of any witness may be taken by deposition, when.

SECTION 1. *The People of the State of Michigan enact,* That the testimony of any witness may be taken by deposition *de bene esse*, in any civil cause or matter, begun or pending in any court of record, at law or in chancery, or before any probate court, or commissioners on claims appointed by any probate court, or arbitrators, referees or circuit court commissioner, or justice of the peace in the State of Michigan, or in any other civil proceeding, when the witness is or is about to go or resides out of the State of Michigan, or is about to go, or reside more than fifty miles from the place of trial, or beyond the jurisdiction of the court; or when the witness is sick, aged or infirm, or where there is reasonable cause for apprehension that his testimony cannot be had at the trial of the cause, or where it is needed for use on hearing of motions, petitions, proceedings for injunctions, or upon any other interlocutory or other proceeding prior to final hearing of any cause; and in all cases where affidavits are permitted to be used in proceedings before the court; also when it is desired to take conditionally and perpetuate testimony in suits to be begun; and in any other case not above provided for when it shall appear to the court or judge thereof that the purposes of justice will be aided thereby. The deposition may be taken before any judge of any court of the United States, or of any state of the United States, or of any foreign country, or before any commissioner of a circuit court in Michigan, or of the United States, or of any state, or any commissioner for Michigan, or any consul, or consular officer, justice of the peace, officer, or notary public, authorized by the laws of this State, or of any other state, or of the United States, or by the laws of any foreign country, to administer

Deposition may be taken before any judge, etc., not interested.

oaths, not being of counsel or attorney for either of the parties, nor interested in the event of the cause. The seal of such court or official, or a certificate of such authority, given under the seal of any court of record, shall be *prima facie* evidence of authority to act. Reasonable notice must first be given in writing by the party, his attorney or solicitor, proposing to take such deposition, to the opposite party, or his attorney of record, which notice shall state the name of the witness or witnesses, and the time and place of taking his deposition, and the name of the official before whom the same will be taken, and in all cases *in rem*, attachment or replevin, the person having the agency or possession of the property at the time of seizure, shall be deemed the adverse party until a claim shall have been put in or appearance entered in the cause; and, whenever, by reason of the absence from the jurisdiction of the party, or want of an opposite attorney of record, or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts within the jurisdiction where the suit is begun, shall think reasonable, and direct. Any person may be compelled to appear and depose as provided by this act, by the order or process of any court and to produce books and papers in the same manner as witnesses may be compelled to appear and testify in court.

Seal.

Notice to be given before deposition is taken.

Any person may be compelled to appear and depose.

SEC. 2. In any case where the deposition of a witness can be taken upon notice, his deposition may instead be taken under commission, upon which section four of this act shall be printed, and any circuit court commissioner in the State of Michigan, or the court in which such proceeding is begun or pending, or the judge, clerk or register thereof, or in any case pending before a justice of the peace, such justice shall upon affidavit showing reason therefor, issue a commission (upon which shall be printed section four of this act) for the taking of the testimony of such witness before any person therein appointed as commissioner. Written interrogatories to be put to such witness by such commissioner, may be attached to the commission; if attached, a copy thereof shall be attached to the notice which shall in any case be given to the opposite party or his attorney or solicitor, of the time and place of taking testimony under such commission. Cross and re-direct interrogatories, which it is desired the commissioner shall put to the witness, shall thereupon be promptly furnished to the respective parties, and to such commissioner. Where default or order, *pro confesso* has been entered in the cause, notices shall not be necessary.

When deposition of witness may be taken under commission.

Written interrogatories may be attached to commission.

SEC. 3. Courts of record of this State shall have the power to compel the attendance of witnesses and the giving of their testimony, and the production of books, papers and other evidences, before commissioners or persons

Courts shall have power to compel attendance of witnesses.

authorized to take testimony and also under commissions, or letters rogatory, issued out of any court of any other state, or of the United States, or of any foreign government or country.

Witness shall be sworn.

May be examined, etc., orally.

Testimony may be written or taken stenographically.

Deposition to be transmitted by mail to the court.

Objections to manner of taking testimony, how made.

Testimony of witness to be taken conditionally, when.

When testimony under this section may be used.

Parties interested in suits may have testimony taken in any manner.

Court shall have power to regulate the use of depositions.

SEC. 4. Each witness shall be sworn or affirmed by the officer or person empowered to take such testimony, to tell the truth, the whole truth, and nothing but the truth, concerning the matter at issue in the cause. Every witness may be examined, cross-examined, and re-examined, orally, and also so examined in addition to written, direct or cross interrogatories. Examinations may be adjourned from time to time. Testimony may be written or taken stenographically and transcribed under direction of the officer so taking the same and shall be signed by the witness and certified as correct by the official before whom it is taken, but signatures of witnesses may be waived in writing by agreement of parties. The deposition when taken shall be forthwith enclosed by the official before whom the same is taken, and endorsed with the title of the court and cause, and that the deposition was taken and sealed up by him, and how it is to be sent, and he shall sign the endorsement, and the same shall be transmitted by mail or otherwise, to the court in which the cause is pending, and in case such deposition is taken for use before commissioners on claims appointed by any probate court, to such court, and then be opened by the court or clerk or register, and written notice thereof then given by mail or otherwise to the parties. Objections to notices of, or objections to the manner of taking the testimony, or of certifying or returning the deposition, shall be regarded as waived unless made in writing within three days after knowledge or notice of the return thereof.

SEC. 5. To perpetuate testimony, any person who expects to be a party to a suit, which may thereafter be commenced in any court of record, may cause the testimony of any witness material to him in the prosecution or defense of such suit, to be taken conditionally, and perpetuated, under a commission so issued by any circuit court commissioner or judge of a court of record, upon affidavit, showing the necessity or reason therefor, and, so far as known, the persons interested in such matter. The commission shall direct upon whom notice shall be served, and to what court the deposition shall be returned, and such court shall have custody and control thereof until required for use in such suit. Testimony taken under this section may be used in case it cannot again be obtained at the time of trial.

SEC. 6. Parties to action and parties interested in suits to be begun may have testimony taken and returned in any manner agreed upon by stipulation in writing.

SEC. 7. Depositions taken under this act may be read and considered in evidence at the trial or on any hearing, and on appeals and retrials of the same cause of

action, but the court shall have power to regulate the use, to prevent abuses thereof, and may order the retaking of testimony, or the production of the witness, if within the jurisdiction, notwithstanding that his deposition has been taken. In any case, either party, may obtain subpoena and compel the usual attendance and re-examination of the witness, notwithstanding his deposition has been taken, if he is within the jurisdiction of the court and able to attend, and give his testimony in the usual way, for or at the trial.

SEC. 8. Fees for taking depositions shall be as follows: Fees for taking depositions.
For taking, certifying, sealing and forwarding depositions, two dollars; and for each one hundred words contained in such deposition, ten cents, which shall be considered as costs in the case; and for copies of testimony furnished to any party, three cents for each one hundred words contained in such copy. Each party shall pay for his own examinations or cross-examinations in the first instance.

SEC. 9. Sections forty-nine to fifty-four, inclusive, of Sections repealed.
chapter ninety, section eleven of chapter ninety-one, and sections one to thirty-two, inclusive, and thirty-seven to forty-three, inclusive, of chapter one hundred two, of the revised statutes of eighteen hundred forty-six; sections one to nineteen, inclusive, of act number one hundred forty-three of the session laws of eighteen hundred forty-eight; act number one hundred six of the public acts of eighteen hundred eighty-one; and sections thirty-seven and thirty-eight of chapter one hundred seven of the revised statutes of eighteen hundred forty-six; said several sections as subsequently amended being sections sixty-six hundred thirty-nine, sixty-six hundred forty, sixty-six hundred forty-one, sixty-six hundred forty-two, sixty-six hundred forty-three, sixty-six hundred forty-four, sixty-seven hundred sixty-five, seventy-four hundred sixteen, seventy-four hundred seventeen, seventy-four hundred eighteen, seventy-four hundred nineteen, seventy-four hundred twenty, seventy-four hundred twenty-one, seventy-four hundred twenty-two, seventy-four hundred twenty-three, seventy-four hundred twenty-four, seventy-four hundred twenty-five, seventy-four hundred twenty-six, seventy-four hundred twenty-seven, seventy-four hundred twenty-eight, seventy-four hundred twenty-nine, seventy-four hundred thirty, seventy-four hundred thirty-one, seventy-four hundred thirty-two, seventy-four hundred thirty-three, seventy-four hundred thirty-four, seventy-four hundred thirty-five, seventy-four hundred thirty-six, seventy-four hundred thirty-seven, seventy-four hundred thirty-eight, seventy-four hundred thirty-nine, seventy-four hundred forty, seventy-four hundred forty-one, seventy-four hundred forty-two, seventy-four hundred forty-three, seventy-four hundred forty-four, seventy-four hundred forty-five, seventy-four hundred forty-six, seventy-four hundred forty-seven, seventy-four hundred

fifty-two, seventy-four hundred fifty-three, seventy-four hundred fifty-four, seventy-four hundred fifty-five, seventy-four hundred fifty-six, seventy-four hundred fifty-seven, seventy-four hundred fifty-eight, seventy-four hundred fifty-nine, seventy-four hundred sixty, seventy-four hundred sixty-one, seventy-four hundred sixty-two, seventy-four hundred sixty-three, seventy-four hundred sixty-four, seventy-four hundred sixty-five, seventy-four hundred sixty-six, seventy-four hundred sixty-seven, seventy-four hundred sixty-eight, seventy-four hundred sixty-nine, seventy-four hundred seventy, seventy-four hundred seventy-one, seventy-four hundred seventy-two, seventy-four hundred seventy-three, seventy-four hundred seventy-four, seventy-four hundred seventy-five, seventy-four hundred seventy-six, seventy-four hundred seventy-seven, seventy-four hundred seventy-eight, seventy-four hundred seventy-nine, seventy-four hundred eighty, seventy-four hundred eighty-one, seventy-four hundred eighty-two, seventy-seven hundred sixty-six and seventy-seven hundred sixty-seven of Howell's annotated statutes, are hereby repealed, but depositions taken before January first, eighteen hundred ninety-six, in accordance with the laws in force immediately before the taking effect of this act, shall be received and considered by the courts of this State.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 181.]

AN ACT to provide for proceedings in the nature of proceedings for discovery in actions or proceedings commenced in any of the courts of record of this State, and to provide for the examination of parties to such proceedings, and to compel the production of books and papers.

Testimony,
when it may be
taken by dep-
osition.

Where taken.

SECTION 1. *The People of the State of Michigan enact,* That in all proceedings and actions heretofore commenced or hereafter to be commenced, in any of the courts of record of this State, the testimony of a party, or in case a corporation be a party, the testimony of the president, secretary or other principal officer or general managing agent of such corporation, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party, at any time after the commencement thereof and before judgment. Such deposition shall be taken before a judge at chambers, or a circuit court commissioner on a previous notice to such party and any other adverse party or their respective attorneys of at least five days; or it may be taken without the State upon commission in the manner provided for taking other

depositions. The attendance of the party to be examined may be compelled upon subpoena and the payment, or tender of his fees as witness, at the rates provided for in courts of record of this State; and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose any thing not relevant to the controversy. If such testimony shall be taken before issue joined on the part of plaintiff, the notice of taking the same shall be accompanied by an affidavit of the plaintiff, his agent or attorney, stating the original nature and object of the action; that discovery is sought to enable the party to plead and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to the points so stated, unless the court or presiding judge thereof, or such circuit court commissioner, on motion and one day's notice shall, before the examination is begun, by order further limit the subjects to which such examination shall extend, but such examination shall not preclude the right to another examination after issue joined, upon all the issues in the case, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories. Such examination shall not be compelled in any other county than that in which the party to be examined resides: *Provided*, That whenever plaintiff or defendant is a non-resident of the State, his deposition may be had under the provisions of this section in the county in which the action is pending, if he can be personally served with notice and subpoena in such county. In any examination under the provisions of this section, the judge or circuit court commissioner before whom the same is had shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and also to compel the production by the party examined of books and papers relevant and pertinent to the issues, and may enforce such answers and the production of such books and papers by contempt proceedings.

Attendance, how compelled.

Notice to be accompanied by affidavit.

Provido, when plaintiff or defendant is a non-resident of the State.

SEC. 2. The depositions taken pursuant to the provisions of the foregoing section may, at the option of the party taking the same, be used as evidence at the trial of the cause or proceeding in which the same is taken.

Depositions taken may be used in evidence.

SEC. 3. If any party lawfully required to appear and testify as provided in the foregoing sections, either within or without this State, shall neglect or refuse so to do, or to produce any books and papers lawfully required of him pursuant to the foregoing provisions, he may be punished as for a contempt, and his pleadings be stricken out and judgment given against him as upon default or failure to plead.

Refusal or neglect to testify.

SEC. 4. The testimony of a party so taken by deposition at the instance of the adverse party, if used on the trial of such proceeding or cause, may be rebutted by

Testimony so taken, how rebutted.

other testimony the same as though it had been taken by the party giving the same in his own behalf.

Suit in the name of an assignee.

SEC. 5. In any suit or proceeding prosecuted in the name of an assignee, the assignor of any such claim or right of action may be examined in the same manner and subject to the same rules of examination as if he were named as a party.

Testimony of a person for whose benefit the action is prosecuted or defended.

SEC. 6. The testimony of a person for whose immediate benefit the action is prosecuted or defended, although such person be not a party to such action, may be taken under the provisions of this act at the instance of the adverse party in the same manner, subject to the same rules of examination and with like effect as if such person were named as a party to said action.

Approved May 22, 1895.

[No. 182.]

AN ACT to amend section nine of act number one hundred and forty of the public acts of eighteen hundred eighty-nine, entitled "An act to authorize the formation of corporations for acquiring, holding, leasing and selling real estate, and for the erection of buldings thereon," approved June eighth, eighteen hundred eighty-nine, and being compiler's section three thousand nine hundred eighty-three c of third Howell's annotated statutes of Michigan, as amended by act number sixty of the public acts of eighteen hundred ninety-one, approved May sixth, eighteen hundred ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine of act number one hundred and forty of the public acts of eighteen hundred eighty-nine, entitled "An act to authorize the formation of corporations for acquiring, holding, leasing and selling real estate, and for the erection of buildings thereon," approved June eighth, eighteen hundred eighty-nine, and being compiler's section three thousand nine hundred eighty-three c of third Howell's annotated statutes of Michigan, as amended by act number sixty of the public acts of eighteen hundred ninety-one, approved May sixth, eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

May acquire and hold real estate.

SEC. 9. Every corporation organized under this act shall have power to acquire, own and hold all such real estate and personal estate as may be necessary for the purpose of carrying on the business of such corporation, and the same or any part thereof convey, lease or demise, mortgage, improve, use and dispose of at pleasure: *Provided,* That the lands which any such corporation may hold at

May borrow money.

any one time shall not exceed one acre. Every such corporation shall also have power, being first authorized by its stockholders as a meeting duly called for such purpose, to borrow money and to secure the payment thereof, and to issue its bonds therefor, secured by mortgage on its property.

Approved May 22, 1895.

[No. 183.]

AN ACT to amend section one of act number two hundred twenty-two of the public acts of eighteen hundred eighty-seven, approved June twenty-two, eighteen eighty-seven, being compiler's section number nine thousand three hundred fifteen c of Howell's annotated statutes, entitled "An act to prevent crime and punish truancy."

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one of act number two hundred twenty-two of the public acts of eighteen hundred eighty-seven, approved June second, eighteen hundred eighty-seven, being compiler's section number nine thousand three hundred fifteen c of Howell's annotated statutes, entitled "An act to prevent crime and punish truancy," be and the same is amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* What children deemed truants and disorderly persons.
That every boy between the ages of ten and sixteen years, or any girl between the ages of ten and seventeen years, who shall frequent or be found lounging about saloons, or other rooms or places where intoxicating liquors are kept for sale, or who shall, against the command of his or her parent or guardian, run away or willfully absent himself or herself from the school he or she is attending, or from any house, office, shop, farm or other place where he or she is residing or legitimately employed to labor, or shall, against such command of his or her parent or guardian, or for any immoral, disorderly or dishonest purpose, be found lounging upon any public street, highway or other public place, or shall, against such command, or for any such immoral, disorderly or dishonest purpose attend any public dance, skating rink or show, shall be deemed to be a truant or disorderly person.

Approved May 22, 1895.

[No. 184.]

AN ACT to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein.

Length of time
of employment
of persons of
certain ages.

Proviso as to
day's work.

No child to be
employed in
shops under 14
years of age.

No child to be
employed in
shops where it
is dangerous to
life or health.

Inspectors may
demand certifi-
cate as to phys-
ical fitness of
children em-
ployed.

Proviso as to
age.

SECTION 1. *The People of the State of Michigan enact,* That no male under the age of eighteen years and no female under the age of twenty-one years, shall be employed in any manufacturing establishment in this State for any longer period than sixty hours in one week unless for the purpose of making necessary repairs to machinery in order to avoid the stoppage of the ordinary running of the establishment: *Provided,* That no more than ten hours shall be exacted from such male minors or females under twenty-one years on any day unless for the purpose of making a shorter work day on the last day of the week.

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a statement in writing made by the parent or guardian, stating the age, date and place of birth of said child; if said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act.

SEC. 3. No child under the age of sixteen years shall be employed by any person firm or corporation conducting any manufacturing establishment in this State, at employment whereby its life or limb is endangered, or its health is likely to be injured or its morals may be depraved by such employment. No female under the age of twenty-one years and no male under the age of eighteen years shall be allowed to clean machinery while in motion.

SEC. 4. Factory inspectors shall have power to demand a certificate of physical fitness from the county physician who shall make such examination free of charge, in the case of persons who seem physically unable to perform the labor at which they may be employed, and shall have power to prohibit the employment of any person that cannot obtain such a certificate: *Provided,* This section shall not apply except to children under sixteen years of age.

SEC. 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or well holes are used to cause the same to be properly enclosed and secured. It shall also be the duty of the agent, owners, agents or lessees to provide or cause to be provided at all elevator openings such proper trap or automatic doors or automatic gates, so constructed as to open and close by the action of the elevator either ascending or descending.

Duty of owner as to care of openings to elevators.

SEC. 6. Fire escapes shall be provided for all manufacturing establishments two or more stories in height, if, in the opinion of the factory inspector, it is necessary to insure the safety of the persons employed in such establishments, said fire escapes or means of egress, or as many thereof as may be deemed sufficient by the inspector shall be provided, and where it is necessary to provide fire escapes on the outside of such establishments, they shall consist of landings or balconies at each floor above the first, to be built according to specifications approved by the factory inspector. The windows or doors leading to all fire escapes shall open outwardly, or upwardly when provided with a counter balancing weight, said windows or doors to be not less than thirty-six inches in height and thirty inches in width. All fire escapes shall be located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings; and the ladder thereof shall extend to the roof; stationary stairs or ladders shall be provided on the inside from the upper story to the roof, as a means of escape in case of fire. Signs indicating the way to fire escapes shall be placed in conspicuous places. Factory inspectors shall in writing notify the owner, agent or lessee of such manufacturing establishment of the required location and specifications of such fire escapes as may be ordered.

Fire escapes to be provided.

Windows and doors leading to fire escapes to open outwardly.

Signs indicating way to fire escapes to be placed in conspicuous places.

SEC. 7. Proper and substantial hand rails shall be provided on all stairways in manufacturing establishments, and where in the opinion of the factory inspector it is necessary, the steps of such stairs in all such establishments shall be substantially covered with rubber securely fastened thereon for the better safety of persons employed in said establishments. The stairs shall be properly screened at sides and bottom where females are employed, and where practicable the doors of such establishments shall swing outwardly or slide as ordered by said factory inspector, and shall be neither locked, bolted or fastened during working hours.

Hand rails to be provided for stairways.

Screens to be provided where females are employed.

SEC. 8. It shall also be the duty of the owner of such factory, or his agent, superintendent or other person in charge of the same, to furnish or supply, or cause to be furnished and supplied, in the discretion of the factory inspector, where machinery is in use, proper shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys. All gearing or belting shall be

Owners of factory to furnish shifters for belts and provide safeguards.

provided with proper safeguards, and wherever possible, machinery shall be provided with loose pulleys. All vats, saws, pans, planers, cogs, set screws, gearing and machinery of every description shall be properly guarded, when deemed necessary by the factory inspector.

Fans to be provided for carrying off dust.

SEC. 9. Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones, and dust creating machinery, wherever deemed necessary by the factory inspector.

Factories to be kept clean.

SEC. 10. Every factory in which five or more persons are employed, and every factory or workshop in which two or more children, young persons or women are employed, shall be kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided within reasonable access with a sufficient number of proper water closets, earth closets or privies, for the reasonable use of the persons employed therein, and whenever two or more male persons and two or more female persons are employed as aforesaid together, a sufficient number of separate and distinct water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Amount of time to be allowed for noon meal.

Factory inspectors may issue permits as to shorter noon hours.

SEC. 11. Not less than forty-five minutes shall be allowed for the noonday meal in any manufacturing establishment in this State. Factory inspectors shall have power to issue written permits in special cases, allowing a shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary, and shall only be given where good cause can be shown.

Who to constitute the force of factory inspectors.

SEC. 12. The Commissioner of Labor, deputy commissioner of labor and deputy factory inspectors shall be factory inspectors in the meaning of this act, and are hereby empowered to visit and inspect at all reasonable hours, and as often as practicable or required, the factories, workshops and other manufacturing establishments in the State, where the manufacture of goods is carried on. Deputy factory inspectors shall report to the Commissioner of Labor of this State at such time and manner as he may require. It shall also be the special duty of factory inspectors to enforce all the provisions of this act, and to prosecute for all violations of the same, before any magistrate or in any court of competent jurisdiction in this State.

Deputy inspectors to report to Commissioner of Labor.

To report to Commissioner of Labor the number of factories inspected.

SEC. 13. Deputy factory inspectors shall make a report to the Commissioner of Labor of each factory visited and inspected by them, which report shall be kept on file in the office of the Commissioner. Deputy factory inspectors shall have the same power to administer oaths as is now given to notaries public, in cases where persons desire to

verify documents connected with the proper enforcement of this act.

SEC. 14. Nothing in this act shall apply to canning factories or evaporating works, but shall apply to any other place where goods, wares or products are manufactured, repaired, cleaned or sorted, in whole or in part; but no other person, persons or corporation employing less than five persons or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

Act not to apply to canning factories.

SEC. 15. For the purpose of carrying out the provisions of this act, the Commissioner of Labor is hereby authorized and required to cause, at least, an annual inspection of the manufacturing establishments or factories in this State. Such inspection may be by the Commissioner of Labor, the deputy commissioner of labor, or such other persons as may be appointed by the Commissioner of Labor for the purpose of making such inspection. Such persons shall be under the control and direction of the Commissioner of Labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the Commissioner of Labor, not to exceed three dollars per day, together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State Treasurer upon the warrant of the Auditor General: *Provided*, That not more than eight thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the Commissioner of Labor shall present to the Governor on or before the first day of February, eighteen hundred ninety-six, and annually thereafter, a report of such inspection, with such recommendations as may seem necessary: *And provided further*, That in addition to the above allowance for expenses, there may be printed not to exceed two thousand copies of such reports for the use of the labor bureau, for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Commissioner of Labor to make annual inspection of factories.

Compensation for services.

Proviso as to amount.

Further proviso as to report of inspection.

Number of reports limited.

SEC. 16. The prosecuting attorney of any county of this State is hereby authorized and required upon the complaint on oath of the Commissioner of Labor or factory inspectors, to prosecute to termination before any court of competent jurisdiction, in the name of the people of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

Duty of prosecuting attorney.

SEC. 17. Any person who violates or omits to comply with any of the foregoing provisions of this act, or who interferes in any manner with the factory inspector in

Penalty for violation of act.

the discharge of his duties, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 18. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 185.]

AN ACT to establish a law uniform with the laws of other States relative to acknowledgment of written instruments.

Forms of acknowledgment.

SECTION 1. *The People of the State of Michigan enact,* That either the forms of acknowledgment now in use in this State, or the following, may be used in the case of conveyance or other written instruments, whenever such acknowledgment is required or authorized by law for any purpose.

Begin in all cases by a caption specifying the State and place where the acknowledgment is taken.

Natural persons acting in their own right.

First, In the case of natural persons acting in their own right:

On this.....day of.....18...., before me personally appeared A B (or A B and C D) to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

Acting by attorney.

Second, In the case of natural persons acting by attorney:

On this.....day of.....18...., before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed the same as the free act and deed of said C D.

Corporations or joint stock associations.

Third. In case of corporations or joint stock associations:

On this.....day of.....18...., before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors (or trustees),

and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

In case the corporation or association has no corporate seal omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association), and that," and add, at the end of the affidavit clause, the words "and that said corporation (or association) has no corporate seal."

In all cases add signature and title of the officer taking the acknowledgment.

SEC. 2. The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole, and without any examination separate and apart from her husband.

Acknowledgment of married women, how taken.

SEC. 3. The proof of acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without this State and within any other state, territory or district of the United States may be made before any officer of such state, territory or district authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and certified as herein provided, shall be entitled to be recorded in this State, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

Proof of deed, where made and recorded.

SEC. 4. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this State, there shall be subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the secretary of state of the state or territory in which such officer resides, under the seal of such state or territory, or a certificate of the clerk of a court of record of such state, territory or district in the county in which said officer resides or in which he took such proof or acknowledgment under the seal of such court stating that such officer was at the time of taking such proof or acknowledgment duly authorized to take acknowledgments and proofs of deeds of lands in said state, territory or district, and that said secretary of state, or clerk of court, is well acquainted with the handwriting of such officer, and that he verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine unless such acknowledgment be taken before a notary public who certifies thereto under his seal of office, when such conveyance or written instrument may be read in evidence or recorded without such certificate.

Requiring proof that the officer was duly authorized to act.

Secretary of State and clerk to state as to genuineness of signature.

SEC. 5. The following form of authentication of the proof or acknowledgment of a deed or other written instrument

Form of authentication.

when taken without this State and within any other state, territory or district of the United States, or any form substantially in compliance with the foregoing provisions of this act, may be used.

Begin with a caption specifying the state, territory or district, and county or place where the authentication is made.

I, ..., clerk of the.....in and for said county, which court is a court of record, having a seal (or, I, ..., the secretary of state of such state or territory), do hereby certify that.....by and before whom the foregoing acknowledgment (or proof) was taken, was, at the time of taking the same, a notary public (or other officer) residing (or authorized to act) in said county, and was duly authorized by the laws of said state (territory or district) to take and certify acknowledgments or proofs of deeds of land in said state (territory or district), and further that I am well acquainted with the handwriting of said....., and that I verily believe that the signature to said certificate of acknowledgment (or proof) is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court (or state) this..... day of....., 18....

Before whom
proof shall be
taken in for-
eign countries.

SEC. 6. The proof or acknowledgment of any deed or other instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without the United States, may be made before any officer now authorized thereto by the laws of this state, or before any minister, consul, vice consul, *charge d'affaires*, or consular agent of the United States resident in any foreign country or port, and when certified by him under his seal of office it shall be entitled to be recorded in any county of this State, and may be read in evidence in any court in this State in the same manner and with like effect as if duly proved or acknowledged within this State.

Section
repealed.

SEC. 7. Section five of act one hundred eighty-seven of the laws of eighteen hundred eighty-one, approved June first, eighteen hundred eighty-one, the same being section fifty-seven hundred thirty-two of Howell's annotated statutes is hereby repealed.

Approved May 22, 1895.

[No. 186.]

AN ACT to provide for the examination of witnesses in open court in causes in chancery, and for the settlement of the evidence taken upon such examination and

hearing; and for the settlement of a case where the evidence is taken before a circuit court commissioner.

SECTION 1. *The People of the State of Michigan enact,* That either party to a cause in chancery shall have the right to an examination of all the witnesses in the case in open court as in a suit at law if within ten days after the cause is at issue he gives notice in writing to the opposite party of his intention to claim such right, in which case no examination of witnesses shall be had before a circuit court commissioner; but the cause shall be heard in its course on the calendar by examination of witnesses in open court, unless the court on cause shown otherwise direct, as in a suit at law: *Provided,* That such notice of hearing in open court shall not deprive the court, on application by either party, of the right to make an order directing a commission to take the depositions of witnesses outside of the jurisdiction of the court, or in case where a party may be deprived of material testimony or rights, if such a commission is not issued; and depositions so taken under the order of the court may be read upon the hearing in open court: *And provided further,* That in all cases, and whether the same shall be so tried in open court, or the testimony shall have been taken by deposition or before a circuit court commissioner, either party shall be entitled to make and settle a case setting forth in substance all the evidence taken or read at the hearing, following as far as practicable the making of cases for review at law before the judge who tried the same, at such time and in such manner as is now provided by rule for the settlement of bills of exceptions in cases at law. And such case so made and filed within sixty days after the entry of the final order or decree therein, shall be deemed and held to be the evidence therein for all purposes of review on appeal to the supreme court: *And provided further,* That the court in which the case shall have been tried or the judge thereof shall have power, on special motion and proper showing, to grant an extension of the time for making and filing such case for a period not exceeding four months, from and after the date of entry of such decree or final order; and upon the case so made and filed as herein authorized an appeal may be taken to the supreme court by any of the parties to such suit as in ordinary chancery causes.

Either party to a cause in chancery shall have the right to an examination of witnesses in open court.

Provido as to notice of hearing in open court.

Provided further.

Provido as to power of judge to grant an extension of time for filing case.

Approved May 22, 1895.

[No. 187.]

AN ACT to amend an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, eighteen hundred ninety-three.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act to provide separate grades for railroads and public highways and streets where railroads intersect such highways and streets," approved May twentieth, eighteen hundred ninety-three, be amended by adding a new section thereto to stand as section thirty-three, as follows:

In Detroit, city counselor shall perform the duties of city attorney.

SEC. 33. In the city of Detroit the city counselor or other officer who may be the head of the legal department of said city shall perform the duties required by this act to be performed by the city attorney, and wherever the term city attorney shall be used herein, it shall as to and in said city be deemed to mean the city counselor or other head of the legal department.

Approved May 22, 1895.

[No. 188.]

AN ACT to amend section one of act number one hundred forty-four of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the adoption and change of name of minors, and for making them heirs-at-law of the person or persons adopting them," the same being compiler's section number sixty-three hundred seventy-nine *a* of third Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred forty-four of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the adoption and change of name of minors, and for making them heirs-at-law of the person or persons adopting them," the same being compiler's section number sixty-three hundred seventy-nine *a* of third Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Who to give consent to adoption of minor children.

SECTION 1. *The People of the State of Michigan enact,* That whenever any person shall have adopted any minor child with the consent of the surviving parent or parents of such child, or in case such child is abandoned by one of the parents of said child, then with the consent of such parent not so abandoning it, or in case such child is abandoned by both its parents or surviving parent, or

in case of orphanage, with the consent of the nearest of kin or guardian of such child, or of the principal officer of an incorporated orphan asylum of which such child may have been an inmate, or of two of the superintendents of the poor of the county, or the director of the poor of any city or township of which said child is a resident, or of any [authorized officers or agents of any institution, public or private, in this State or elsewhere, in whose care such orphan child may have been, or when either parent shall have been sentenced to imprisonment for life in any prison, jail or house of correction, and after two years from the date of such sentence, then by and with the consent of such parent not so sentenced to imprisonment for life and no pardon granted to the party so sentenced, shall in any manner affect any proceeding which may have been taken hereunder, and if such child be above the age of seven years, then with the consent of such child, and shall desire to change the name of such child, and to bestow upon him or her the family name of the person adopting such child with intent to make such child his or her heir, the said person, together with his or her wife or husband, if any there be, and the surviving parent or next of kin or guardian of such child, or such officer of a public or incorporated orphan asylum or superintendents or directors of the poor, or any authorized officer or agent of any institution, public or private, in this State or elsewhere, or in case of abandonment of such child by one of its parents, then by the parent not so abandoning it, or when either parent shall have been imprisoned for life in any prison, jail or house of correction, and after two years from the date of sentence thereto, then by and with the consent of such parent not so sentenced to imprisonment for life, and no pardon granted to either party so sentenced, shall in any manner affect any proceeding which may have been taken hereunder, may make under their hands an instrument in writing whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of such person or persons first above referred to, and that he, she or they intend to make such child his, her or their heir, and stating the full name they desire such child shall bear, and the execution of the said instrument shall be by the person so signing the same, acknowledged before any officer authorized by law to take acknowledgment of deeds; and thereupon the same may be presented to and filed with the judge of probate of the county where such person or persons adopting such child reside. In case such child is an inmate of a State institution such instrument may be filed with the judge of probate of the county within which such institution is located. Such judge of probate on being satisfied of the good faith of such proceedings, and that the person or persons adopting such child is or are suitable to have charge thereof, shall make an order to be entered in

In case parents
sentenced to
imprisonment,

When child may
change its name.

Declaration to
be in writing.

Execution and
filing of dec-
laration.

Duty of judge of
probate relative
thereto.

the journal of the probate court that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be designated in said instrument for that purpose, whereupon such child shall be thereafter known and called by said new name; and the said person or persons so adopting such child shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all the duties and entitled to all the rights of parents thereto, and such child shall thereupon become an heir-at-law of such persons, the same as if he or she were in fact the child of such person or persons.

Approved May 22, 1895.

[No. 189.]

AN ACT to amend sections one, two, and three of act number twenty-nine of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the payment of bounties for the killing of English sparrows," being sections two thousand two hundred fifty-nine *b*, two thousand two hundred fifty-nine *c* and two thousand two hundred fifty-nine *d* of Howell's annotated statutes, and to add a new section to said act to stand as section four.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, and three of act number twenty-nine of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the payment of bounties for the killing of English sparrows," being sections two thousand two hundred fifty-nine *b*, two thousand two hundred fifty-nine *c* and two thousand two hundred fifty-nine *d* of Howell's annotated statutes, be and the same are hereby amended so as to read as follows:

Who entitled to
bounties.

SECTION 1. That every person, being an inhabitant of this State, who shall kill an English sparrow in any organized township, village or city in this State, shall be entitled to receive a bounty of two cents for each sparrow thus killed, to be allowed and paid in the manner hereinafter provided.

Application for:
how and to
whom made.

SEC. 2. Every person applying for such bounty shall take such sparrow, in lots of not less than ten, to the clerk of the township, village or city within which such sparrow shall have been killed, who shall thereupon decide upon such application, and if satisfied of the correctness of such claim, shall issue a certificate stating the amount of bounty to which such applicant is entitled and deliver the same to said applicant, and shall destroy such sparrows.

[2259d.] SEC. 3. Such certificate may be presented by the claimant or his agent to the county clerk of the county in which such sparrows have been killed, who shall thereupon draw a warrant for the amount on the treasurer of said county, and said treasurer shall, upon presentation of said warrant, pay the same from the general or contingent fund of said county.

SEC. 2. That a new section be added to said act to read as follows:

SEC. 4. Any person who collects or attempts to collect any bounty under the provisions of this act, on any bird other than English sparrows, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than one dollar nor more than ten dollars, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 190.]

AN ACT to amend section two of act number two hundred sixty-four of the public acts of eighteen hundred eighty-nine, entitled "An act relative to disorderly persons, and to repeal chapter fifty-three of the compiled laws of eighteen hundred seventy-one, as amended by the several acts amendatory thereof," approved July fifth, eighteen hundred eighty-nine, the same being section nineteen hundred ninety-seven [a1] of Howell's annotated statutes, and to add a new section thereto to stand as section six.

SECTION 1. *The People of the State of Michigan enact*, that section two of act number two hundred sixty-four, of the public acts of eighteen hundred eighty-nine, entitled "An act relative to disorderly persons, and to repeal chapter fifty-three of the compiled laws of eighteen hundred seventy-one, as amended by the several acts amendatory thereof," approved July fifth, eighteen hundred eighty-nine, the same being section nineteen hundred ninety-seven [a1] of Howell's annotated statutes, be amended so as to read as follows:

SEC. 2. Any person complained of as being a disorderly person, and who shall be convicted, or who shall plead guilty, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail or in the Detroit House of Correction not exceeding thirty days; or he may be required to enter into

- Second offense.** a recognizance with sufficient sureties for his good behavior for the term of three months. Any person who shall be convicted a second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail, or in the Detroit House of Correction, not less than thirty days nor more than three months, or by such imprisonment and by a fine not exceeding one hundred dollars and costs of prosecution.
- Subsequent offenses.** And for a third and all subsequent convictions, the offense being charged as a third or subsequent conviction, the punishment shall be by imprisonment in the Detroit House of Correction, or in the State House of Correction and Reformatory at Ionia, or in the State House of Correction and Branch of the State Prison in the upper peninsula at Marquette, not less than six months, nor more than two years, or by such imprisonment and by a fine not exceeding one hundred dollars and costs of prosecution.
- Section added.** SEC. 2. A new section to be known as section six is hereby added to said act number two hundred sixty-four, to read as follows:
- Duties of justice or magistrate.** SEC. 6. Whenever complaint shall be made to any justice of the peace, or other magistrate having jurisdiction in criminal cases, against any person with being a disorderly person under the provisions of this act, such justice or magistrate before taking any complaint, or issuing any warrant, shall examine his docket and ascertain whether or not such person has been at any time within one year convicted of one or more similar offenses before him. He shall also examine the person making the complaint and ascertain whether or not such complainant has knowledge of one or more similar offenses of which the person complained of has been convicted, any time within one year. And if it shall appear from his docket, or from such examination of the complainant, that such person has been charged with one or more convictions of any offense under this act of being a disorderly person, then, and in either case, it shall be the duty of such justice or magistrate, to charge such person in the complaint and warrant then to be taken and issued, with such former conviction or convictions, as the case may be. And in case such person so charged with a former conviction, or convictions, shall be again convicted, he shall be punished as provided in section two of this act.
- To examine as to second offense.** This act is ordered to take immediate effect.
- Approved May 22, 1895.

[No. 191.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the fourteenth judicial circuit, State of Michigan, and to provide for the collection and disposition of the stenographer's fee.

SECTION 1. *The People of the State of Michigan enact,* That from and after the passage of this act the stenographer of the circuit courts composing the fourteenth judicial circuit shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, except that the court may suspend him for incompetency or misconduct, and in case such suspension is not rescinded within thirty days, the office shall be deemed vacant. Shall hold office subject to the provisions of this act. Appointment of.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court whose compensation shall be paid by the stenographer: *Provided,* The stenographer shall have the power to revoke such appointment at any time. May appoint deputies. Proviso as to deputy.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term, and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of fifteen hundred dollars per annum from the county of Muskegon, and such sum from the county of Oceana as the board of supervisors for said county may provide, which said sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit. Duty of. Compensation of. Board of supervisors to apportion amount.

SEC. 4. In case the counsel for either party to any suit or proceeding at law or in equity shall desire a transcript of the whole or a part of the testimony or proceedings in any case for the purpose of moving for a new trial, or removing it to the supreme court, it shall be the duty of the stenographer of the court reporting said testimony or proceedings to furnish the same without delay, and he shall be entitled to receive therefor from the party requiring it, on delivery of said copy the sum of not to exceed eight cents per folio for each folio so transcribed and the money so paid the stenographer shall be recovered as a part of the taxable costs of the party in such motion, or in the supreme court: *Provided, however,* That if each party to the cause or proceeding shall, at the same time, desire such transcript, said stenographer shall furnish the same on payment to him therefor of five cents per folio, to be paid by each party: *Provided.* In any criminal case the court may, on the request of the prosecuting attorney or [of] if Transcript to be furnished. Fee therefor. Proviso as to transcript. As to criminal cases.

Court may order transcript.	counsel for the defense, order the stenographer to make a transcript of the testimony and proceedings in said case, said transcript, when so made, to be paid for by the county at the rate herein established for transcripts in civil cases:
Judge may order transcript for his own use.	<i>Provided</i> , That in any case the court may order the stenographer to make a transcript of the testimony and proceedings in said case, such transcripts shall be deemed the official record of the court: <i>Provided further</i> , That if the presiding judge shall direct, a copy of the testimony and other proceedings upon any trial to be made for his own use, the stenographer shall make and file the same without costs to either party.
Cases to be taxed.	SEC. 5. Each and every issue of fact shall be taxed three dollars to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury to apply upon the payment of the salary of said stenographer hereinbefore provided; and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.
Official oath.	SEC. 6. Before entering upon the duties of his office, such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be filed in the office of the county clerk of each of the counties respectively, and whenever said stenographer shall appoint a deputy or deputies, such deputy or deputies shall in like manner take, subscribe and file said oath.
Notes, etc., preservation of.	SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing of any case shall prefix to his notes of the testimony of each witness the full name of said witness, and the date the testimony was taken, and at the conclusion of the trial of said cause, he shall securely attach together all of his notes taken in said cause and properly entitle them on the outside and safely keep the same in his office. In the event of the death or resignation, or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep them subject to the direction of the circuit court of that county: <i>Provided</i> , That said notes shall be a part of the records in said cause and shall be subject to inspection as other records in said case.
In case of death of stenographer notes to be transferred to county clerk.	
Proviso.	
Charge need not be in writing.	SEC. 8. In cases tried in said courts in which said stenographer shall be engaged, it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling law in cases tried in the circuit courts," approved March twenty-fifth, eighteen hundred and eighty-nine.
Act repealed.	SEC. 9. Act number two hundred fourteen of the public acts of eighteen hundred eighty-seven, entitled "An act defining the duties and regulating the compensation of the

official stenographer of the fourteenth judicial circuit of the State of Michigan, in the matter of filing transcripts of court proceedings in the circuit courts thereof," approved June twenty-second, eighteen hundred eighty-seven, being sections six thousand five hundred thirty-four b four, six thousand five hundred thirty-four b five, six thousand five hundred thirty-four b six, six thousand five hundred thirty-four b seven and six thousand five hundred thirty-four b eight of Howell's annotated statutes, are hereby repealed, together with all other acts or parts of acts so far as they may conflict herewith.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 192.]

AN ACT to provide for the care of the furniture in the halls and committee rooms of the Senate and House of Representatives.

SECTION 1. *The People of the State of Michigan enact,* That at the close of each session of the Legislature it shall be the duty of the Sergeant-at-Arms of the Senate and House of Representatives to make a careful inventory of the furniture in the halls and committee rooms of their respective houses, which inventory being made in duplicate shall be presented for receipt to the Board of State Auditors, one copy of which shall be left with said board and the other copy shall be left for the Senate with the secretary of the Senate, and for the House of Representatives with the clerk of the House.

Sergeant-at-arms to make inventory of furniture, etc., of Senate and House.

SEC. 2. It shall be the duty of the Board of State Auditors in the interims between the sessions of the Legislature to repair all such furniture as needs repairing and replace with new furniture such as may need to be replaced, and have the same in readiness in the same rooms as shall be shown by the inventory in their possession that it was at the close of the preceding session. It shall not be lawful for them to remove said furniture or allow the same to be removed from the place in which it was shown by the inventory to belong, for the use and benefit of any of the State departments.

Board of State Auditors to replace and repair furniture.

SEC. 3. As often as in the judgment of the Board of State Auditors it is proper so to do, they shall purchase new carpets for the Senate chamber and the hall of the House of Representatives, and use the carpets which have become too much worn to be longer used in said halls for carpeting the committee rooms of the two houses, if found suitable for such purpose.

Carpets for Senate chamber and hall of House of Representatives.

Further duties
of Board of State
Auditors.

SEC. 4. It shall be the duty of the Board of State Auditors to see that the Senate chamber and the hall of the House of Representatives and the committee rooms belonging to each of the two Houses are in proper condition, thoroughly cleaned and fitted for use not later than the day before the convening of the Legislature.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 193.]

AN ACT to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink.

Prohibiting the
manufacture of
adulterated
food.

SECTION 1. *The People of the State of Michigan enact,* That no person shall, within this State, manufacture for sale, offer for sale or sell any article of food which is adulterated within the meaning of this act.

What the term
food shall
include.

SEC. 2. The term food, as used herein, shall include all articles used for food or drink, or intended to be eaten or drank by man, whether simple, mixed or compound.

When deemed
to be adulter-
ated.

SEC. 3. An article shall be deemed to be adulterated within the meaning of this act: *One*, If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; *Two*, If any inferior or cheaper substance or substances have been substituted wholly or in part for it; *Three*, If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; *Four*, If it is sold under the name of another article; *Five*, If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in case of milk, if it is the product of a diseased animal; *Six*, If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; *Seven*, If it contains an added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, and are not injurious to health.

Provido.

Making or sell-
ing any article
as butter not
made exclusively
of milk or cream
prohibited.

SEC. 4. No person, by himself or his agents or servants, shall manufacture for sale or offer or expose for sale, or sell, as butter, and the legitimate product of the dairy or creamery, any article not made exclusively of milk or cream, but into which the oil or fat of animals,

or any other oils not produced from milk, enters as a component part, has been introduced to take the place of cream. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail, or the State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

Misdemeanor.

Penalty.

SEC. 5. No person shall manufacture, deal in, sell, offer or expose for sale or exchange, any article or substance in the semblance of, or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils or melted butter in any condition or state or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced. Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars and the costs of prosecution, or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

Adulterated cheese, to prohibit the manufacture or sale thereof.

A misdemeanor.

Penalty.

SEC. 6. Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "Full milk cheese," and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken.

Cheese, how branded.

SEC. 7. The Dairy and Food Commissioner shall procure and issue to the cheese manufacturers of the State, on proper application, which application shall be made on or before the first day of October, A. D. eighteen hundred ninety-five, and on or before the first day of April in each year thereafter, and under such regulation as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto and the words "Michigan full cream cheese." Every such brand shall be used on the outside of the cheese, and upon the package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of persons at each factory authorized to use the same. No such brand shall be used on other than full cream cheese or packages containing the same. The commissioner shall receive a fee of one dollar for each registration, said fee to be paid by the party applying for the same, which amount shall be accounted for

Uniform stencil brand, Dairy and Food Commissioner to furnish.

Commissioner to register the name and number of each manufactory.

Fee for registration.

and used as a part of the fund appropriated for the enforcement of the laws of this State with which the Dairy and Food Commissioner is charged.

Prohibiting the sale of cheese falsely branded.

SEC. 8. No person shall knowingly offer, sell or expose for sale, in any package cheese which is falsely branded or labeled.

Prohibiting the manufacture or sale as lard of other than the product of the fat of the hog.

SEC. 9. No person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as lard, any substance not the legitimate and exclusive product of the fat of the hog.

Requiring all packages containing substitutes to be branded as such.

SEC. 10. Every person who manufactures for sale, has in his possession within intent to sell, offers or exposes for sale, or sells, any substance made in the semblance of lard, or as an imitation of lard, and which consists of any mixture or compound of animal or vegetable oils, or fats, other than hog fat, in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled "Lard substitute or compound," and every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the semblance of lard or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled either "Adulterated lard," "Lard compound," or "Lard substitute." Such brands or labels shall be in letters not less than one inch in length and shall be followed with the name of the maker and factory, and the location of such factory.

Substitutes, packages containing lard, how labeled.

SEC. 11. Every dealer or trader who, by himself or agent, or as the servant or agent of another person, offers or exposes for sale, or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words "Lard substitute" or "Adulterated lard" or "Lard compound," or other appropriate word which shall correctly express its nature and use.

Having in possession, prima facie evidence of intent to sell.

SEC. 12. The having in possession of any lard substitute or adulterated lard or lard compound, as hereinbefore defined, which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, or any person engaged in the public sale of such articles, shall for the purpose of this act be deemed *prima facie* evidence of intent to sell the same.

Regulating the manufacture and sale of imitation fruit butter and fruit jellies.

SEC. 13. No person, firm or corporation in this State shall manufacture for sale, or sell, or offer or expose for sale, as fruit jelly or fruit butter, any jelly or imitation

fruit butter or other similar compound made or composed in whole or in part of glucose, dextrine, starch or other substances, and colored in imitation of fruit jelly or fruit butter; nor shall any such jelly, fruit butter or compound be manufactured, or sold, or offered for sale, under any name or designation whatever, unless the same shall be composed entirely of ingredients not injurious to health, and shall not be colored in imitation of fruit jelly, and every can, pail or package of such jelly or butter sold in this State shall be distinctly and durably labeled "Imitation fruit jelly or butter," with the name of the manufacturer and the place where made. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and when convicted thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court.

Shall not be colored.

Misdemeanor.

Penalty.

SEC. 14. No packer or dealer in preserved or canned fruits and vegetables, or other articles of food, shall sell or offer for sale such canned articles, unless such articles shall be entirely free from substances or ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label bearing the name and address of the firm, person or corporation that packs the same. All "Soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "Soaked or bleached goods," in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer.

Preserved or canned fruits and vegetables, regulating the packing, labeling, and sale of the same.

SEC. 15. No person shall manufacture or sell, or offer for sale, any manufactured or artificial coffee berry in imitation of the genuine berry. No person shall manufacture, sell or offer for sale any ground or prepared coffee, which is adulterated with chicory or other substances not injurious to health, unless each package thereof shall be distinctly labeled or marked "Coffee compound," together with the name and address of the manufacturer or compounder thereof.

The manufacture or sale of artificial coffee berry prohibited.

SEC. 16. No person shall within this State manufacture, brew, distill, have or offer for sale, or sell, any spirituous or fermented or malt liquors, containing any substance or ingredient not normal or healthful, to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage.

Unhealthful ingredients in spirituous, fermented or malt liquors prohibited.

SEC. 17. The taking of orders or the making of agreements or contracts, by any person, firm or corporation, or by any agent or representative thereof, for the future

What shall be deemed a sale within the meaning of this act.

delivery of any of the articles, products, goods, wares or merchandise embraced within the provisions of this act, shall be deemed a sale within the meaning of this act.

Who shall be deemed to be guilty of a misdemeanor.

Penalty.

SEC. 18. Whoever shall falsely brand, mark, stencil or label any article or product required by this act to be branded, marked, stenciled or labeled, or shall, remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

Evidence of intent to violate.

Penalty.

SEC. 19. Whoever shall do any of the acts or things prohibited, or willfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Duty of the Dairy and Food Commissioner.

SEC. 20. It shall be the duty of the Dairy and Food Commissioner of the State to investigate all complaints of violations of this act, and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon the complaint of the Commissioner or of any citizen. It shall be the duty of all food inspectors in cities to examine all complaints made to them of violation of this act, and to render assistance in enforcing its provisions. It shall also be the duty of all health boards in cities and health officers in townships to take cognizance of and report or prosecute all violations of this act that may be brought to their notice or they may have cognizance of, within their jurisdiction.

All inconsistent acts repealed.

SEC. 21. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved May 22, 1895.

[No. 194.]

AN ACT making an appropriation for promoting the horticultural interests of the State and the editing and compiling of the reports of the Michigan State Horticultural Society.

SECTION 1. *The People of the State of Michigan enact,* Amount appropriated.
That the sum of fifteen hundred dollars per year for the years eighteen hundred ninety-five and eighteen hundred ninety-six be and the same is hereby appropriated from any moneys in the general fund for the use of the Michigan State Horticultural Society, to be used as hereinafter provided.

SEC. 2. The moneys hereby appropriated shall be paid Moneys appropriated, how paid.
by the State Treasurer on the warrant of the Auditor General and presentation of receipted vouchers duly certified by the president and secretary of the Michigan State Horticultural Society, showing that the moneys asked for have been actually expended and for the purposes prescribed in this act.

SEC. 3. The moneys hereby appropriated may be used How appropriation may be used.
by the officers of the Michigan State Horticultural Society for procuring lectures, employing scientists or experts to investigate the diseases and insect enemies of trees, vines, plants or fruit, to determine and promulgate the best method of preventing or destroying said diseases and insects; or in such other manner as in the judgment of said board will best promote the horticultural interests of the State; also in the work of collecting material, securing cuts for illustrations, and in the preparation of the copy of the reports of said society for the years eighteen hundred ninety-five and eighteen hundred ninety-six.

SEC. 4. The Auditor General shall incorporate in the Tax.
State tax for the year eighteen hundred ninety five the sum of fifteen hundred dollars, and for the year eighteen hundred ninety-six fifteen hundred dollars, which when collected shall be credited to the general fund to reimburse the same for the moneys hereby appropriated.

Approved May 22, 1895.

[No. 195.]

AN ACT making appropriations for the current expenses and other necessary improvements for the State Industrial Home for Girls for the years eighteen hundred ninety-five and eighteen hundred ninety-six.

SECTION 1. *The People of the State of Michigan enact,* Appropriation for Industrial Home for Girls
That there be and is hereby appropriated from the general fund, the sum of thirty-eight thousand six hundred seventy-two dollars and sixty cents to meet the current expenses of the State Industrial Home for Girls, for the year one thousand eight hundred ninety-five, and a further sum of thirty-eight thousand six hundred and sixty-two dollars and sixty cents for a like purpose for such State institution for the year one thousand eight hundred and ninety-six.

Further appropriation for repairing, etc.

SEC. 2. The further sum of twenty-two thousand eight hundred and seventy-five dollars is hereby appropriated for the following purposes, for the year one thousand eight hundred and ninety-five, viz.: For repairing outside of chapel and painting chapel, eleven hundred dollars; for four new boilers, two thousand and five hundred dollars; connection and setting of same, five hundred dollars; for necessary drainage, three hundred dollars; for new bath tubs and setting of same, five hundred dollars; for new floors in halls of five cottages, and dining room in central, two hundred and fifty dollars; for one new cottage, including heating, connection and furnishing, and to be a duplicate of Palmer cottage, fifteen thousand dollars; for wagon shed and tool house, five hundred dollars; for medical treatment of special cases, and wiring the several buildings for electric lighting, one thousand dollars; cottage for engineer, one thousand two hundred and twenty-five dollars.

Amounts to be incorporated in State tax.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, the amounts appropriated in sections one and two of this act, for each of said years, as are provided in said sections; to be assessed, levied and collected as other State taxes are assessed, levied and collected, which amounts when collected shall pass to the credit of the general fund to reimburse the same for the sums appropriated by this act: *Provided*, The sum of sixteen thousand seven hundred and twenty-five dollars to be used for building one new cottage, including heating connections, and furnishing, duplicate of Palmer cottage, fifteen thousand dollars; wagon shed and tool house, five hundred dollars; cottage for engineer, twelve hundred twenty-five dollars, may be payable as follows: one-half April first, eighteen hundred ninety-six, and the other one-half April first, eighteen hundred ninety seven.

Proviso as to amount for buildings.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 196.]

AN ACT providing for additional buildings at the Asylum for the Insane, located at Newberry, in the upper peninsula of Michigan, known as the "Upper Peninsula Hospital for the Insane;" for the furnishing and equipment of said asylum, including the pumps, boilers, electric light plant, farm implements, horses, cows, vehicles, fencing, clearing, microscopical, laboratory, surgical implements, dispensary, analytical outfit and morgue; and for a working capital for said asylum and making an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,* That the sum of one hundred and sixty-five thousand dollars be, and the same is hereby appropriated from the general fund in the State treasury not otherwise appropriated to be expended as follows, to wit: for the erection of one infirmary, three cottages, one addition to power-house, seven cloister connections, one general kitchen, dining room and servants' quarters, one barn and one farm house at the asylum for the insane located at Newberry, in the Upper Peninsula of Michigan, the sum of one hundred and nine thousand five hundred dollars; for the furnishing and equipment of one infirmary, five cottages, one temporary administration building, one laundry, one general kitchen, dining room and servants' quarters, also for electric light plant, pumps and boilers, farm implements, horses, cows, vehicles, fencing, clearing and microscopical laboratory, surgical instruments, dispensary, analytical outfit and morgue, the sum of fifty thousand five hundred dollars; and for a working capital for said asylum the sum of five thousand dollars. And the money so appropriated shall be expended under the direction of the board of trustees of said asylum, appointed under the provisions of act number one hundred and thirty-five of the public acts of the year eighteen hundred and eighty-five, and shall be drawn from the State treasury by the treasurer of said asylum on requisitions of said board of trustees, signed by the chairman and secretary of said board, which shall be presented to the Auditor General, who shall draw his warrants on the State Treasurer therefor.

Appropriation
for additional
buildings.

How money ap-
propriated shall
be expended.

SEC. 2. The sum of one hundred and sixty thousand dollars of the amount appropriated by section one of this act, shall be used for the purposes set forth in said section one, exclusive of the working capital further set forth in section three of this act; and the said board of trustees is hereby authorized at any time during the year eighteen hundred ninety-five or thereafter, by requisitions signed by the chairman and secretary of said board to draw from the general fund of the State treasury the sum of thirty thousand dollars, and at such times and in such manner as they shall deem necessary for the purposes aforesaid; and said board is hereby authorized to draw quarterly in the year eighteen hundred and ninety-six or thereafter, the sum of sixty-five thousand dollars in the manner and for the purpose aforesaid; and is hereby authorized to draw quarterly in the year eighteen hundred ninety-seven or thereafter the balance of the sum first named in this section in the manner and for the purposes aforesaid.

Sums appropri-
ated, to whom
and how paid.

SEC. 3. The sum of five thousand dollars of the amount appropriated in section one of this act shall be used as a working capital for said asylum, and the board of trustees of said asylum is hereby authorized at any time during the year eighteen hundred and ninety-five, or there-

Working capital
for asylum.

after, upon requisitions signed by the chairman and secretary thereof, to draw from the general fund of the State treasury the said sum of five thousand dollars at such times and in such amounts as they shall deem necessary for the purposes specified in this section; and when so drawn shall be used only for such expenditures as are properly chargeable to the current expense account of said institution, and shall be accounted for in accordance with the general accounting laws of the State applicable to said institution.

In case of
deficiency.

SEC. 4. In case of a deficiency in any of the items specified in section one of this act, and a surplus in any of the other items, the board of trustees, by and with the advice and consent of the Governor and Board of State Auditors given in writing, may apply such surplus upon such deficiency.

Board of trustees
may employ
architect and
superintendent.

SEC. 5. Said board of trustees may employ an architect for the purposes mentioned in this act, and a person to superintend, under their directions, the erection and construction of the same; and the architect and the person so employed shall receive a reasonable compensation for their services, to be established by the said board of trustees and approved by the Governor, which compensation shall be audited from time to time by the Board of State Auditors, and paid by the State Treasurer out of the general fund in the State treasury.

Compensation.

Amount to be
incorporated in
State tax.

SEC. 6. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-five the sum of one hundred thousand dollars; and for the year eighteen hundred and ninety-six the sum of sixty-five thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[No. 197.]

AN ACT to amend section three of act number one hundred and fifty of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the establishment and maintenance of a pardoning board, prescribing the powers and duties, and repealing all acts and parts of acts in conflict therewith," approved May thirty-first, eighteen hundred ninety-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,*
That section three of act number one hundred and fifty

of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the establishment and maintenance of a pardoning board, prescribing the powers and duties, and repealing all acts and parts of acts in conflict therewith," approved May thirty-first, eighteen hundred ninety-three, be and the same is hereby amended so as to read as follows:

SEC. 3. Before entering upon the discharge of their Oath of office. duties, each member of said board shall take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State. The executive Secretary of pardoning board. clerk in the office of the Governor shall act as the secretary of such board, when organized and in session, and shall keep a record of all its proceedings and determinations, and who shall certify all findings and perform all other duties required by said board, but who shall receive no extra compensation therefor, except his actual traveling Compensation for services. expenses to be paid as provided in section five of this act.

Approved May 22, 1895.

[No. 198.]

AN ACT to establish a law uniform with the laws of other states relating to the sealing of deeds and other written instruments.

SECTION 1. *The People of the State of Michigan enact,* When deeds, etc., deemed to be sealed instruments. That in addition to the mode in which such instruments may now be executed in this State hereafter, all deeds and other instruments in writing executed by any person or by any private corporation, not having a corporate seal, and now required to be under seal shall, be deemed in all respects to be sealed instruments, and shall be received in evidence as such, provided the word "seal" or the letters "L. S." are added in the place where the seal should be affixed.

SEC. 2. A seal of a court, public officer or corporation Seal of a court. may be impressed directly upon the instrument or writing to be sealed, or upon wafer, wax, or other adhesive substance affixed thereto, or upon paper or other similar substance affixed thereto by mucilage or other adhesive substance. An instrument or writing duly executed in the corporate name of a corporation, which shall not have adopted a corporate seal, by the proper officers of the corporation under any seal, shall be deemed to have been Corporate seal. executed under the corporate seal.

Approved May 23, 1895.

[No. 199.]

AN ACT to empower the licensing of persons to procure policies of fire insurance in this State in companies of other states, or in those of foreign governments not authorized to do business in this State.

Compensation of
Commissioner.

SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of Insurance, upon the annual payment of a fee of twenty-five dollars for the use of the State, may issue licenses to the citizens of the State of Michigan, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this State in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in other states having insurance commissioners.

Affidavit to be
filed with Com-
missioner of
Insurance.

SEC. 2. Before the person named in such license shall procure any insurance in such companies on any property in this State he shall in every case execute and file with the Commissioner of Insurance an affidavit that he is unable to procure, in companies admitted to do business in the State, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this State to the full amount which said companies are willing to write on said property: *Provided,* That such licensed person shall not offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least one hundred thousand dollars, which shall be determined by the Commissioner of Insurance by an inspection of the books and assets of such company, or one which has, within the preceding twelve months been in an impaired condition.

Separate account
of business done
under the li-
cense to be
kept.

SEC. 3. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the Commissioner of Insurance, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and he shall also file a report in the same detail of all such policies canceled and the gross return premiums thereon.

Copy to be filed
with Commis-
sioner of Insur-
ance.

Bond of person
licensed.

SEC. 4. Before receiving such license he shall execute and deliver to the Auditor General a bond in the penal sum of two thousand dollars with such sureties as the said Auditor General shall approve, with a condition that the licensee will faithfully comply with all the requirements of this law and will file with the Commissioner of Insurance, in January of each year, a sworn statement of the gross premiums charged for insurance procured or

placed, and the gross returned premiums on such insurance canceled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the State treasury a sum equal to four per cent of such gross premiums less such returned premiums reported.

SEC. 5. The Commissioner of Insurance shall have authority at all times to investigate any alleged violations of this act and he shall report all such investigations to the Attorney General of this State, who in case of said violation shall take proceedings to collect all fees or taxes from such licensee, and said Commissioner of Insurance shall thereupon revoke the license of said licensee.

Authority of commissioner of insurance to investigate alleged violations.

SEC. 6. Any such company with which such insurance shall be placed shall appoint the Commissioner of Insurance of this State as its attorney in fact in this State, upon whom process can be served. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commissioner to be attorney in fact, when.

Acts repealed.

This act is ordered to take immediate effect.

Approved May 23, 1895.

[No. 200.]

AN ACT for the protection of fish in the Saginaw river and its tributaries, and to repeal act number thirty-one of the public acts of eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact,* That at all times hereafter, in order to permit the passage of fish up and down the Saginaw river, there shall be kept and maintained in the said Saginaw river, free from any pound, trap, stake, gill or set nets or seines, or like device of any kind for taking fish, a channel one-third of the full width of the river at low water-mark, and extending from the mouth of said Saginaw river in the county of Bay, to the head waters thereof, said channel to be the thread or middle line of the deepest water in the main channel of said river; and it shall be unlawful for any person or persons to set, place or use any pound, trap, stake, gill or set net or seine, or any like device of any kind for taking or catching fish in that portion of the Saginaw river in this section described.

A channel in Saginaw river to be kept and maintained for the passage of fish.

SEC. 2. It shall not be lawful for any person or persons to set, place or use any pound, trap, stake, gill or set nets or seines, or any device of any kind for taking fish in any of the tributaries of the Saginaw river.

Fishing with seines, nets, etc., prohibited.

Catching fish
with seines, etc.,
between certain
dates prohibited.

SEC. 3. It shall not be lawful for any person or persons to set, use or place any pound, trap, stake, gill or set nets or seines, or any device of any kind for taking fish in the waters of the Saginaw river, from the first day of April to the fifteenth day of November in each year.

Unlawful to use
any drive or
trammel.

SEC. 4. It shall not be lawful to use any drive or trammel for the purpose of catching or taking fish in the waters of the Saginaw river or its tributaries.

Penalty for
violation.

SEC. 5. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than one hundred dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days.

Act repealed.

SEC. 6. Act number thirty-one of the public acts of eighteen hundred ninety-three, entitled "An act to protect the fish in the Saginaw river and its tributaries," and all acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved May 23, 1895.

[No. 201.]

AN ACT to provide for the compilation, printing and distribution of the laws relative to the support of poor persons.

Secretary of
State required
to compile and
publish laws re-
lating to sup-
port of poor
persons.

SECTION 1. *The People of the State of Michigan enact,* That the Secretary of State is hereby required and directed, as soon as practicable after the adjournment of this Legislature, to compile and publish in pamphlet form all of the laws of this State now in force relating to the support of poor persons, and forward one copy to each of the following named officers: Judges of probate, superintendents of the poor, county agents, supervisors, directors or overseers of the poor, prosecuting attorneys, all State charitable institutions, and to such other persons and officers as in the discretion of the Secretary of State should be furnished with said laws, retaining such number as in his discretion may be needed for future use.

This act is ordered to take immediate effect.

Approved May 23, 1895.

[No. 202.]

AN ACT to amend section nine, chapter eighty-four of the revised statutes of eighteen hundred forty-six, entitled "Of divorce," and being section sixty-two hundred thirty-one of Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section nine, chapter eighty-four, of the revised statutes of eighteen hundred forty-six, entitled "Of divorce," and being section sixty-two hundred thirty-one of Howell's annotated statutes of Michigan, be and the same hereby is amended to read as follows:

§ 6231. SEC. 9. No divorce shall be granted unless the party exhibiting the petition or bill of complaint therefor shall have resided in this State one year immediately preceding the time of exhibiting such petition or bill, or unless the marriage was solemnized in this State, and the complainant shall have resided in this State from the time of such marriage to the time of exhibiting the petition or bill; and when the causes for divorce occurred out of this State, no divorce shall be granted unless the complainant or defendant shall have resided within this State two years next preceding the filing of the petition or bill, and no proofs or testimony shall be taken in any cause until four months after the filing of such petition or bill for divorce, except where the cause for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony, nor shall any decree of divorce be granted in any case unless the defendant be domiciled within this State or shall have been domiciled herein at the time the cause for divorce arose, or unless the defendant shall have been personally served with process in this State, or with copy of the order of publication in said cause, or has voluntarily appeared in such action or proceeding. Where the defendant shall not be domiciled in this State or shall not have been domiciled herein at the time the cause of action arose, the plaintiff must prove either that the parties have lived together in this State as husband and wife or that the plaintiff has in good faith resided in this State for at least one year next preceding the commencement of the proceeding.

Approved May 23, 1895.

[No. 203.]

AN ACT to provide for the purity of political conventions, and to provide against corruption therein.

Delegates to State political convention, etc., not to give a proxy.

Vacancies in delegation, how filled.

Proviso as to filling delegations.

When deemed guilty of a misdemeanor.

Soliciting or promising reward, etc., by member of convention a misdemeanor.

Other misdemeanors.

Penalty for violation of act.

SECTION 1. *The People of the State of Michigan enact,* That no delegate elected to any city, county, congressional or State political convention shall give a proxy to any person to represent him at such convention, and no person shall receive a proxy from any regularly elected delegate to any such political convention. All vacancies occurring in any delegation to any such convention shall be filled by a majority vote of such delegation; if in a city or county convention, of the delegation from the ward or township; if in a congressional or State convention, by a majority vote of the delegation from the county: *Provided,* That in a city or county convention the delegation shall not be permitted to fill the vacancy which may occur in its number by any person not a resident of the ward or township from which such absent delegate was chosen and represented by such delegation, and that in a congressional or State convention such delegation shall not be filled by any person not a resident of the county from which such absent delegate was chosen, and any person who shall violate any provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 2. Any delegate or member of any such convention who shall solicit any candidate for nomination before such convention, for money, reward, position, place or preferment for his support in such convention, or any candidate or other person who shall promise any such delegate money, reward, position, place or preferment for his support, or vote, in such convention, in favor of any candidate, shall be deemed guilty of a misdemeanor.

SEC. 3. Any candidate or person who shall pay either money or other valuable consideration, or offer to pay money or valuable consideration, or the expenses of any delegate or member to or at any such convention that may be incurred, as an inducement or for the purpose of securing the vote of any such delegate in favor of or against any candidate that may come before such a convention, shall be deemed guilty of a misdemeanor.

SEC. 4. Any person found guilty of any offense defined in this act as a misdemeanor shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars nor more than five hundred dollars, or to be confined in the county jail not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court having jurisdiction thereof.

Approved May 23, 1895.

[No. 204.]

AN ACT to amend section twenty-one of act number two hundred and twenty of the session laws of eighteen hundred eighty-nine, entitled "An act to amend sections twenty-one and twenty-two of act number one hundred and thirty-five of the public acts of eighteen hundred eighty-five, entitled 'An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof and of the inmates therein, and to repeal act number one hundred and sixty-four, laws of eighteen hundred fifty-nine; also act one hundred and ninety-four, laws of eighteen hundred seventy-seven; also act ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereto; also act number one hundred and seventy-two, laws of eighteen hundred seventy-three, approved June third, eighteen hundred eighty-five,' " being section ninety-one hundred thirty c Howell's annotated statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section twenty-one of act number two hundred and twenty of the session laws of eighteen hundred eighty-nine, entitled "An act to amend sections twenty-one and twenty-two of act number one hundred and thirty-five of the public acts of eighteen hundred eighty-five, entitled 'An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof and of the inmates therein, and to repeal act number one hundred and sixty-four, laws of eighteen hundred fifty-nine; also act one hundred and ninety-four, laws of eighteen hundred seventy-seven; also act ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereto; also act number one hundred and seventy-two, laws of eighteen hundred seventy-three, approved June third, eighteen hundred eighty-five,' " be and the same is hereby amended so as to read as follows:

SEC. 21. No person who is a resident of this State shall be held as a private patient in any asylum, public or private, or in any institution, home or retreat, for the care or treatment of the insane, except upon the certificates of two reputable physicians under oath appointed by the judge of probate of the county where such alleged insane person resides to conduct an examination, and an order from said judge of probate setting forth that the said person is insane and directing his removal to an asylum or institution for the care of the insane. When the relatives or friends of any insane person shall make application in his behalf for an order admitting him to any asylum, public or private, or to any institution, home or retreat for the care or treatment of the insane to the judge of probate of the county where he resides, the judge of probate shall institute an inquest and take proofs

Certificate required for admission and confinement of patients.

Judge of probate to institute an inquest.

When jury to determine question of insanity.

Proviso as to temporary detention.

Judge of probate to grant an order of commitment.

Bond required for support of insane person.

as to the alleged insanity before granting such order, and shall immediately notify such alleged insane person of such application and of the time and place of hearing to be held therein, and any relative or other person having such alleged insane person in charge or custody shall likewise be notified of said time and place of hearing, and the judge of probate may appoint a guardian *ad litem* to represent such insane person upon such hearing and shall fully investigate the facts, and if the judge of probate shall deem it necessary, or if such alleged insane person shall so demand, a jury of twelve freeholders, having the qualifications required of jurors in courts of record, shall be summoned to determine the question of insanity, and the said judge of probate pending such proceedings, if it shall appear to be necessary and essential so to do, such alleged insane person may be placed in the custody of some suitable person, or may be moved to the asylum of the district in which said insane person resides, or to any hospital, home or retreat, to be detained until such application can be heard and determined: *Provided, however,* That the period of such temporary detention shall not exceed in all fourteen days, and all the expenses thereof shall be paid by the petitioner or out of the estate of said alleged insane person. Such alleged insane person shall have the right to be present at such hearing, unless it shall be made to appear to the judge of probate either by certificate of the medical superintendent of the asylum or the officers in charge of such hospital, home or retreat, to which he may have been temporarily committed or by the certificates of two reputable physicians that his condition is such as to render his removal from the institution for that purpose or his appearing at such hearing improper and unsafe. The said judge of probate shall, if satisfactory evidence is adduced, showing the alleged insane person to be of unsound mind and in need of care or treatment in an asylum, home or retreat, grant an order for the commitment of such insane person to such institution there to be supported as a private patient. Before making his order committing an insane person as a private patient to any of the public asylums supported by this State, the judge of probate shall require the petitioner or friends of such insane person to enter into such bond for the support of such insane person thereat as may be provided by the by-laws thereof and to pay such sum to the medical superintendent or treasurer thereof as an advance payment towards his support as such by-laws may require, which bond shall be signed by at least two sureties who shall justify their responsibility on oath before such judge of probate, and said judge of probate at the request of the medical superintendent of the asylum in which any insane person may be committed as a private patient, may require such sureties to justify their responsibility anew or order that a new bond be filed in the place and stead thereof.

The order of the judge of probate shall be in the following form:

STATE OF MICHIGAN, } ss.
COUNTY OF

Form of order
of judge of probate.

At a session of the probate court for the county of
..... holden at the probate office in the of
..... on the day of in the
year one thousand eight hundred and

Present, ..., Judge of Probate.

In the matter of, an alleged insane person.

To the medical superintendent of the

Having received the certificates of and
..... duly qualified medical examiners in
insanity, appointed by this court, by whom
of, an alleged insane person, was personally
visited and examined, and after notifying the said
..... of the proceedings to be taken in h... case,
and having taken the testimony of, credible
witnesses, and having fully investigated the facts in the
case with the verdict of a jury as to the
question of insanity, I, the judge of probate in and for
said county, do find that the said is insane,
and a fit person for care and treatment in the
asylum.

[It is therefore ordered that the said be
removed to asylum, there to be supported
as a private patient.

.....,

Judge of Probate.]

This act is ordered to take immediate effect.

Approved May 24, 1895.

[No. 205.]

AN ACT to regulate the admission to practice of attorneys,
solicitors and counselors, to provide for a board of exam-
iners, and to repeal conflicting acts.

SECTION 1. *The People of the State of Michigan enact,*
That any person graduated from the law department of
the University of Michigan after the passage of this act,
having taken the full prescribed course in said depart-
ment, shall be admitted to practice at the bar of all the
courts of this State, upon the production of his diploma,
duly issued by the board of regents thereof. Such grad-
uate may be admitted to practice by the supreme court
or any circuit court of the State of Michigan on motion.
And upon taking the constitutional oath, the clerk will

Graduates from
law department
of the University
of Michigan
shall be admit-
ted to practice
in courts.

issue under the seal of the court a certificate of admission to the bar.

Non-resident attorneys not admitted to general practice of law.

Proviso as to furnishing certificate of admission to practice.

SEC. 2. Practicing attorneys residents of other states and territories, or from foreign countries, may be admitted on motion to try cases in any of the courts of this State by such courts, but shall not be admitted to the general practice of law in this State without complying with the provisions of this act: *Provided*, That where the applicant shall furnish the supreme court a certificate of admission to practice in the court of last resort of any state in the union, or a certificate of admission to any circuit or district court of the United States, together with the recommendation of one of the judges of the court of last resort of such state, said supreme court may, in its discretion, if satisfied as to his qualifications, admit such person to practice on motion made by some member of the bar of said court.

Who may be admitted to practice as an attorney and counselor at law.

SEC. 3. Every other person who shall be of full age, a resident and a citizen of the United States, and of good moral character, may be admitted to practice as an attorney and counselor at law and solicitor and counselor in chancery in all the courts of record of this State on motion made in open court, but the applicant shall first produce the certificate hereinafter provided for from the board of examiners, to be appointed by the Governor upon the recommendation of the supreme court of Michigan, that he possesses sufficient learning in the law, and moral character and ability to enable him to properly practice as an attorney and counselor at law and solicitor and counselor in chancery in the courts of this State. No person shall be entitled to practice as an attorney and counselor at law and solicitor and counselor in chancery in this State until he shall be licensed so to do by said courts. No person shall be denied admission to practice as an attorney and counselor at law and solicitor and counselor in chancery on account of sex.

License required to practice in chancery courts.

Governor to appoint board of examiners.

SEC. 4. The Governor shall, on the recommendation of the supreme court, and on or before the first day of July, one thousand eight hundred and ninety-five, appoint a board of examiners, composed of five competent lawyers of this State, for the examination of applicants for admission to the bar, whose term of office shall be as follows:

Term of office of examiners.

One for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter each year the Governor, on like recommendation, shall appoint one member of the board of examiners for the term of five years. Such board shall meet at the capitol, in the city of Lansing, at least four times in each year, and during the session of the supreme court, and also at other times and places in the State, if the supreme court shall so direct, for the purpose of examining all applicants for admission to the bar, as to their legal learning and general qualifications, to practice in the several courts of

Time and place of meeting of board of examiners.

this State, as attorneys and counselors at law, and solicitors and counselors in chancery, and upon such examination being had, the board shall issue to such applicants as shall pass the required examination, the certificate of qualification stating the standing of the applicants and recommending their admission to the bar. Such board shall elect from their number a secretary and a treasurer, and shall make such rules and regulations relative to said examinations as to them may seem proper. The president of said board shall be the member whose term of office soonest expires. Three members of said board shall constitute a quorum for the transaction of business.

Officers of board.

Quorum.

SEC. 5. The residences and names of the applicants shall be made to appear to said board by affidavit, and satisfactory evidence shall also be produced by such applicants of their good moral character and of their having pursued the study of the law in the office of some attorney or in some recognized law school or university for at least two years prior to such examination; and a fee to be fixed by said board of not more than ten dollars shall accompany the application. The applicant shall be required to submit to a written examination, which shall be prepared by such board, also an oral examination by the board, and shall be required to answer a minimum of seventy per cent of the questions given him to entitle him to the certificate of the board. The board shall, however, have power to establish such higher grades of standing as to them may seem proper.

Affidavit to accompany application.

Fee.

Manner of conducting examination.

SEC. 6. The examination papers shall be kept on file in the office of the secretary of the board, and a record kept of each application and the name of the applicant and his qualifications and general standing as ascertained by each examination, and the secretary of the board shall furnish each applicant with a card, showing the proficiency he has attained in each branch or subject upon which he has been examined, whether a certificate is issued or not. Any applicant failing to pass the examination may again apply after six months, by showing to the board that he has diligently pursued the study of the law six months prior to the examination, and shall not be required to pay an extra fee for the second examination.

Examination papers to be filed with the secretary of board.

SEC. 7. The board of examiners shall receive as compensation for their services ten dollars per day for the time actually spent and the necessary expenses incurred in the discharge of their duties as examiners, in going to, holding and returning from such examination, to be fixed and certified by the clerk or one of the justices of the supreme court: *Provided, however,* That all compensation for services and expenses shall not exceed the amounts received as fees from applicants.

Compensation of board of examiners.

Proviso as to amount to be paid.

SEC. 8. Sections twenty-six, twenty-seven and thirty-two of chapter ninety-five of the revised statutes of eighteen

Sections repealed.

hundred and forty-six; section one of act number sixty-seven of the session laws of eighteen hundred and forty-eight; act number one hundred and eighty-nine of the session laws of eighteen hundred and forty-nine, the same being sections seven thousand one hundred and seventy-three, seven thousand one hundred and seventy-four, seven thousand one hundred and seventy-seven, seven thousand one hundred and ninety-three and seven thousand one hundred and ninety-five of Howell's annotated statutes, and all other acts or parts of acts, so far as they may conflict with this act, are hereby repealed.

Approved May 24, 1895.

[No. 206.]

AN ACT to amend sections one, two and five of act number forty-one of the public acts of one thousand eight hundred and ninety-one, entitled "An act to provide for the protection of associations and unions of working men and artisans, or other persons, in their labels, trade-marks, and forms of advertisement and to punish the counterfeiting and fraudulent use of such labels, trade-marks and forms of advertisement," approved April twenty-fourth, eighteen hundred ninety-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two and five of act number forty-one of the public acts of one thousand eight hundred and ninety-one, entitled "An act to provide for the protection of associations and unions of workingmen, and artisans, or other persons, in their labels, trade-marks and forms of advertisement, and to punish the counterfeiting and fraudulent use of such labels, trade-marks and forms of advertisement," be and the same are hereby amended so as to read as follows:

Unlawful to imitate trade-mark, label, etc.

SECTION 1. That whenever any person, or any association or union of workingmen has heretofore adopted or used, or shall hereafter adopt or use any label, trade-mark, term, design, device, or form of advertisement for the purpose of designating, making known or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person, or association or union of workingmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device or form of advertisement or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such labels, trade-mark, term, design, device or form of advertisement.

SEC. 2. Whoever counterfeits or imitates any such label, trade-mark, term, design, device or form of advertisement, or sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement; or knowingly uses any such counterfeit or imitation; or knowingly sells or disposes of, or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which any such counterfeit or imitation is attached or affixed, or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which, or on which, any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of any goods, wares, merchandise or other product of labor in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or shall use or display the genuine label, trade-mark, term, design, device or form of advertisement of any such person, association or union in any manner, not being authorized so to do by such person, union or association, or who shall in any way use the name or seal of any such person, association or union or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be deemed guilty of a misdemeanor, and shall be punished as hereinafter provided. In suits or proceedings for damage, or for equitable relief by or on behalf of any such person, association or union, on account of the violation of any provision of this act, it shall not be necessary to prove that such violation was knowingly or willfully committed.

Counterfeiting label, trade-mark, etc., a misdemeanor.

In suits for damages, not necessary to prove willful violation of act.

SEC. 5. Every such person, association or union that has heretofore adopted or used or shall hereafter adopt or use a label, trade-mark, term, design, device or form of advertisement, as provided in section one of this act, shall file the same for record in the office of the Secretary of State by leaving two copies, counterparts or *facsimiles* thereof, with said secretary, and by filing therewith a sworn statement specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a particular description of the goods to which it has been or is intended to be appropriated; that the party so filing or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed has the right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use, either in the identical form, or in any such near resem-

Trade-mark, etc., to be filed in office of Secretary of State.

blance thereto as may be calculated to deceive, and that the *facsimile* copies or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade-mark, term, design, device, or form of advertisement in the office of the Secretary of State under the provisions of this act, by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months, or by both such fine and imprisonment. Said Secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade-mark, term, design, device, or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said Secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this act be *prima facie* proof of the adoption of such label, trade-mark, term, design, device, or form of advertisement. Said Secretary of State shall not record for any person, union or association, any label, trade-mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade-mark, term, design, device, or form of advertisement theretofore filed by or on behalf of any other person, union or association.

Approved May 24, 1895.

[No. 207.]

AN ACT to amend section five of act number ninety-one of the session laws of eighteen hundred thirty-nine, entitled "An act to provide for the recording of town plats and for vacating the same in certain cases," approved April thirteenth, eighteen hundred thirty-nine, the same being section fourteen hundred seventy-seven of Howell's annotated statutes, as amended by act number one hundred two of the public acts of eighteen hundred ninety-one, approved May twenty-seventh, eighteen hundred ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section five of act number ninety-one of the session laws of eighteen hundred thirty-nine, entitled "An act to

provide for the recording of town plats and for vacating the same in certain cases," approved April thirteenth, eighteen hundred thirty-nine, the same being section fourteen hundred seventy-seven of Howell's annotated statutes, as amended by act number one hundred and two of the session laws of eighteen hundred and ninety-one, approved May twenty seventh, eighteen hundred and ninety-one, be and the same is hereby amended so as to read as follows:

SEC. 5. That if any owner or owners of any part of a town shall be desirous of altering or vacating the same, or any part thereof, it shall be lawful for such owner or owners, or the prosecuting attorney of the proper county, in the cases above specified, to petition the circuit court for the proper county, setting forth the particular circumstances of the case and giving a distinct description of the property to be vacated or altered, the names of the persons to be particularly affected thereby, and the extent of their interest in that part of the town which it is proposed to alter or vacate, which petition shall be filed with the clerk of said court at least thirty days previous to the sitting of the court to which he, she or they intend to make such application; and notice of the pendency of such petition and of the time when such application will be made, shall be given by publishing the same once in each week for three successive weeks, in a newspaper printed in said county, and by posting up the same in three of the most public places in the town, city or village where such lands are situated, at least twenty days before the hearing of such application; such notice to contain a description of the property to be altered or vacated; and shall also personally serve such notice at least twenty days before the hearing of such application upon the mayor of a city, the president of a village, or the supervisor of a township where such lands are situated.

How owners may alter or vacate on petition.

Its contents.

Its filing.

Publishing notice.

Time for serving notice.

Approved May 24, 1895.

[No. 208.]

AN ACT to provide for the incorporation of the grand temple and subordinate temples of the Rathbone Sisters of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the grand temple and subordinate temples of Rathbone Sisters of the State of Michigan may be incorporated in pursuance of the provisions of this act.

Order of Rathbone Sisters may be incorporated.

SEC. 2. Any ten or more persons, residents of the State, being members of the grand temple Rathbone Sisters of the State of Michigan, desirous to become incorporated, may make and execute articles of association, under their

Number of persons required to incorporate.

	hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:
Contents of articles.	<i>First</i> , The names of the persons associating in the first instance and their places of residence;
Corporate name.	<i>Second</i> , The corporate name by which such association shall be known in the law, and the place of its business office;
Object and purposes.	<i>Third</i> , The object and purpose of such association, which shall be to promote the general welfare of the association known as the grand temple Rathbone Sisters, and the period for which it is incorporated, not exceeding thirty years.
Articles filed with Secretary of State.	SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand temple, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a
Body politic.	body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold and enjoy, to them and their successors, estates, real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure: <i>Provided</i> ,
Proviso as to property owned.	That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, but such property, both real and personal, shall be subject to assessment and taxation for all purposes as other property is assessed and taxed, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the charitable and benevolent purposes of the grand temple Rathbone Sisters. Said corporation shall have full power to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this State or of the United States, and to designate, elect, or appoint from its members such officers, under such name and style as shall be in accordance with the constitution of the supreme temple of the world.
Establish by-laws.	
Prima facie evidence.	SEC. 4. A copy of the record of such articles of association, under the seal of this State, duly certified according to law, shall be received as <i>prima facie</i> evidence in all courts of this State of the existence and due incorporation of such corporation.
Power to govern subordinate temples, etc.	SEC. 5. Such corporation when duly formed shall have power to institute and charter subordinate temples of said order within this State, and from time to time ordain, constitute and establish such general laws and by-laws, ordinances and regulations for the government of such sub-

ordinate lodges, not repugnant to law or to the constitution or regulation of the supreme temple Rathbone Sisters, as to them shall seem proper and necessary; and in case of violation or non-compliance with such ordinances, by-laws and regulations, to revoke and annul the charter granted to such subordinate temple: *Provided*, That the existing subordinate temple heretofore duly chartered by the grand temple of Michigan or of the world, shall be subject to the control of the said grand temple under this act as heretofore, and in the same manner, and to the same extent as those that may hereafter be instituted and chartered under this act.

Proviso as to subordinate temples.

SEC. 6. Any nine or more persons, residents of this State, being members of any subordinate temple, having been duly chartered by the grand temple of this State or of the supreme temple of the world, desirous to become incorporated, may make and execute articles of association under their hands and seals, specifying as provided in article two of this act, and file a copy of such articles with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation: *Provided*, That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the charitable and benevolent purposes of the order of Rathbone Sisters.

Who may incorporate subordinate temple.

County clerk to keep record of.

Body politic.

Proviso as to property owned.

SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, building, or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the temples of the order of Rathbone Sisters; and for that purpose may create a capital stock of not more than one hundred thousand dollars, to be divided into shares of not more than ten dollars each; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and

May erect and own edifice.

May create capital stock.

Cemetery

Proviso.

may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper: *Provided*, This act shall not be construed to affect municipal regulations in regard to cemeteries.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[No. 209.]

AN ACT to prohibit corporations from requiring any of its employes to procure life or accident insurance in any particular company or companies, and to declare void all contracts hereafter made between any corporation and its employes providing for life or accident insurance by such employé in any particular company.

Unlawful for employers to require employes to insure with any particular company.

SECTION 1. *The People of the State of Michigan enact*, That it shall hereafter be unlawful for any company or corporation doing business in this State or for any of the officers and agents of any such company or corporation, to require any of the employes of such company or corporation to take out or obtain a life, accident or life and accident policy in favor of such employé or other person in any particular or designated life, accident or life and accident company or association.

Contracts so made declared void.

SEC. 2. All contracts hereinafter made between any such company or corporation and any employé of said company or corporation requiring or stipulating that the employé so contracting shall procure, obtain or have a policy of insurance in any particular or designated company or association shall be void: *Provided*, That nothing in the foregoing provisions of this act is intended to prohibit, or shall be construed as prohibiting the employers of labor and the persons employed from voluntarily making agreements with each other for contributions of money by the latter to any fund to be accumulated in their behalf and for their benefit in common with others, and in such case from further agreeing that the employer may deduct from their wages, from time to time, the sums due from them under such agreement.

Proviso as to agreement between employer and employe.

Penalty for violation of act.

SEC. 3. The violation of any of the provisions of this act is hereby made a misdemeanor, and any company or corporation violating any of the provisions of this act shall be punished by a fine of not more than two hundred dollars for each and every offense, and any shareholder, officer or agent of any company or corporation violating the provisions of this act shall be punished by imprisonment in the county jail not more than sixty days, or by a fine of not more than one hundred dollars for each

offense, or both such ^{fine} and imprisonment at the discretion of the court.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[No. 210.]

AN ACT regulating the system of drawing and accounting for money used for postage in the several State offices and departments.

SECTION 1. *The People of the State of Michigan enact,* Moneys for postage in State offices.
That hereafter all moneys used for postage in the several State offices and departments, except those departments which are not entitled to draw money for postage from the general fund, shall be drawn and accounted for in the manner hereinafter provided.

SEC. 2. All such moneys shall be drawn monthly by How drawn.
vouchers, duly certified by the head or other competent authority of each department, respectively, and allowed by the Board of State Auditors at its next regular meeting after the presentation of such vouchers.

SEC. 3. It shall be the duty of the head of each department coming under the provisions of this act, whenever purchasing postage stamps for the use of his department, to procure receipts in duplicate, signed by the postmaster at Lansing for the amount so paid, one of which receipts shall be filed in the office of the Board of State Auditors, and the other retained in his office. Duty of heads of departments.

SEC. 4. It shall not be lawful for the Board of State Auditors to allow any vouchers for postage until the receipts on file from the department presenting the same show that all moneys previously drawn for that purpose have been so expended. When not lawful to allow vouchers for postage.

SEC. 5. Any violation of the provisions of this act on the part of any State officer or head of department shall be sufficient cause for removal, and it shall be the duty of the Board of State Auditors to promptly notify the Governor whenever any such officer or head of department fails to comply with the provisions of this act. It shall be the duty of the Board of State Auditors to make quarterly reports to the Governor, giving the amounts drawn and used for postage by each State officer or department during the preceding quarter, and the amounts drawn by each department remaining unexpended at the date of such quarterly report. Violation of this act cause for removal.
Duty of Board of State Auditors.

SEC. 6. It shall be the duty of every State officer or head of department, within thirty days after the passage of this act, to file with the Board of State Auditors a state- State officers to file statement.

ment showing the amount of money in their respective department drawn for postage and remaining unexpended.
Approved May 25, 1895.

[No. 211.]

AN ACT to amend section number thirty-six, of act number one hundred and eighty-four of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the enrollment, organization, equipment and maintenance and discipline of the naval militia of the State," approved May thirty-first, eighteen hundred and ninety-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section number thirty-six of act number one hundred and eighty-four of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the enrollment, organization, equipment, maintenance and discipline of the naval militia of the State," approved May thirty-first, eighteen hundred and ninety-three, be and the same is hereby amended so as to read as follows:

Funds for organizing and maintaining the State Naval Brigade, how provided.

SEC. 36. For the purpose of providing the funds necessary for organizing, maintaining and equipping the forces of the State Naval Brigade, by law authorized and established, it shall be the duty of the Auditor General at the time of apportioning the State taxes, to apportion among the several counties of the State each year, in proportion to the whole amount of real and personal property therein, as equalized by the State Board of Equalization, a sum equal to one-eighth of one cent for each person whom it shall appear, by the last preceding census, was a resident of this State, which sum as so apportioned shall be collected in the same manner with other State taxes and shall constitute and be designated as a State naval militia fund. All provisions of law relative to the collection and disbursement of the State military fund, as by law established and created, shall apply to and govern the collection and disbursement of the said State naval militia fund. From said State naval militia fund it shall and may be lawful for the State Military Board, with the approval of the Commander-in-Chief, to pay and refund all sums paid and disbursed by any division or divisions of the naval militia for expenses of the Adjutant General's office or for freight or transportation or arms or other articles of equipment, loaned or furnished by the United States government. No moneys except those expressly apportioned by law for use, support and maintenance of the naval forces of the State troops shall be employed for any such purpose, and all moneys raised and appropriated for military purposes shall,

How collected.

How disbursed.

unless otherwise expressly provided by law, be deemed to be raised and appropriated for the sole and exclusive use, support and maintenance of the land forces of the State militia.

Approved May 27, 1895.

[No. 212.]

AN ACT to provide for the painting of towers, cornices, window jambs and sash, and for repairs to roof and gutters of the main building of the Northern Michigan Asylum; to provide for the erection of a new laundry building and laundry machinery for the same, and for an addition to the library, for the Northern Michigan Asylum at Traverse City, Michigan, and making appropriations therefor.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is appropriated out of the State treasury the sum of twenty-five hundred dollars for the painting of towers, cornices, window jambs and sash; and the sum of two thousand dollars for repairs to roof and gutters of the main building of the Northern Michigan Asylum; and the sum of seven thousand five hundred dollars for the erection of a new laundry building and laundry machinery for the same; and the sum of five hundred dollars for an addition to the library.

Appropriation
for Northern
Michigan Asy-
lum.

SEC. 2. The moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary. The sums thus appropriated shall be expended for the purposes specified in this act only, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current, as provided by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

Money, how
drawn and for
what purposes.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and ninety-five the sum of twelve thousand and five hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for moneys appropriated by section one of this bill.

To be incorpo-
rated in State
tax.

This act is ordered to take immediate effect.

Approved May 27, 1895.

[No. 213.]

AN ACT for the protection of fish.

Unlawful to
catch fish under
certain weight
with net.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person or persons to take or catch with any species of net whatsoever, and retain for sale or use, any black bass, or sell or offer for sale or make use of any perch of a less weight than four ounces, or any pike, pickerel or catfish of a less weight than one pound, and it shall be the duty of any person who shall take any perch, pike, pickerel or catfish of a less weight than herein prescribed, or any black bass of any size, to replace the same alive and without injury in the waters from which the same were taken.

Penalty for vio-
lation of act.

SEC. 2. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days.

Approved, May 27, 1895.

[No. 214.]

AN ACT making appropriations for the Michigan School for the Deaf for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

Appropriation
for Michigan
School for the
Deaf.

SECTION 1. *The People of the State of Michigan enact,* That the sum of sixty thousand dollars is hereby appropriated to meet the current expenses of the Michigan School for the Deaf for the year eighteen hundred and ninety-five, and the like sum of sixty thousand dollars for the year eighteen hundred and ninety-six.

Further
appropriation.

Amount of and
purposes.

SEC. 2. The further sum of eleven thousand and twenty-one dollars for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six is appropriated for the following purposes: For a detached dormitory, the sum of six thousand dollars; for fire protection, the sum of two thousand and twenty-one dollars; for laundry machinery, the sum of eight hundred dollars; for water closets, the sum of three hundred dollars; for a paper cutter and new type, the sum of three hundred and fifty dollars; for painting and calcimining, the sum of eight hundred dollars; for purchasing and binding books, magazines and papers for library, the sum of five hundred dol-

lars; for bedsteads, bedsprings and mattresses, the sum of two hundred and fifty dollars.

SEC. 3. The several sums appropriated by the provisions of this act are hereby appropriated out of the general fund in the State treasury, and shall be passed to the credit of the Michigan School for the Deaf, and paid to the board of trustees of that school or to its treasurer at such times and in such amounts as is now provided by law, and as may be necessary to meet the needs of the school and provide for its best interests. How paid.

SEC. 4. The Auditor General shall incorporate in the State tax for the year eighteen hundred ninety-five the sum of seventy-one thousand and twenty-one dollars, and for the year eighteen hundred ninety-six the sum of sixty thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the moneys hereby appropriated. To be incorporated in tax of 1895-96.

This act is ordered to take immediate effect.

Approved May 27, 1895.

[No. 215.]

AN ACT to provide for the incorporation of cities of the fourth class.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact,* That all cities within the State of Michigan heretofore incorporated and made subject to the provisions of this act or which shall hereafter be incorporated under the provisions of this act, and containing a population not exceeding ten thousand according to the last preceding federal or State census, shall be cities of the fourth class. What cities may incorporate under this act.

SEC. 2. Any incorporated village containing a population of not less than three thousand nor more than ten thousand as shown by the last preceding federal or State census may be incorporated as a city of the fourth class, as hereinafter provided. Certain villages may incorporate.

SEC. 3. Any one hundred or more freeholders residing within any such village may present to the council thereof a petition setting forth the population of the village as shown by such census, and asking that such village be incorporated as a city of the fourth class; and if the council shall be satisfied that the village contains the requisite population, as provided in section two of this act, they shall by resolution to be entered upon the record of their proceedings, reciting the presentation of said petition and the object thereof, and that the village contains the requisite population, submit the ques-

Incorporation of village to be submitted to electors. tion as to whether the village shall be incorporated as a city of the fourth class to a vote of the electors of the village at the next annual village election.

Clerk to give notice of election on question of incorporation. SEC. 4. At least thirty days before the time of holding any election at which the question mentioned in the preceding section shall be submitted to a vote of the electors, the clerk of the village shall give public notice of the time and place of holding such election; and that the question whether the village shall be incorporated as a city of the fourth class under the provisions of this act, will be submitted to vote at the election. Such notice shall be given by posting written or printed copies thereof in ten of the most public places in the village, and by publishing the same in one or more newspapers published in the village, the same length of time before such election.

Notice to be posted.

Who may vote on question of incorporation. SEC. 5. At such election all persons having the qualifications of electors at the annual village elections may vote upon the question of such incorporation, and it shall be the duty of the council to cause to be printed at the foot of the official village ballot, to be used at such election, the question of incorporation proposed to be voted upon, in accordance with the general election laws of the State as follows:

Style of ballot.

For city incorporation. Yes. ☐

For city incorporation. No. ☒

Manner of canvassing the vote.

The inspectors of election shall canvass such votes within the same time and in the same manner as provided for canvassing the votes for village officers, and they shall make return thereof to the village clerk within the time and in the manner provided for making returns of village elections; and the council shall determine the result of the election upon the proposition voted upon the same as upon the election of village officers.

Determination of result.

SEC. 6. After the council shall have determined the result of the election upon the proposition voted upon, as provided in the preceding section, if it shall appear to the council that a majority of all the votes legally given at such election upon the question of such incorporation were given for the incorporation, the council shall, by a resolution to be entered in the record of their proceedings, recite that at said election, stating the date thereof, the question as to whether said village should be incorporated as a city of the fourth class under the provisions of this act, was submitted to a vote of the electors of the village, and that a majority of those voting upon the question, voted for city incorporation; and shall, in the same resolution declare that, in accordance with said vote, the said village shall be and is incorporated as a city of the fourth class by the name of "The city of —" (Stating the name by which the city is to be known).

In case of majority for incorporation council by resolution to enter the same in record of proceedings.

Council by resolution may name city.

Upon adoption of resolution clerk to make copy of proceedings.

SEC. 7. Immediately upon the adoption of the resolution mentioned in the last preceding section, the clerk of the village shall record the same in the record of the proceedings of the council and shall make a copy of so much of the record of the proceedings of the meeting at which the same was

adopted, as may be necessary to show the time and place of holding such meeting, and the names of the members of the council who were present, and the passage of said resolution including a true copy thereof. To said copy the clerk and the president of the village shall annex their certificate, under the corporate seal of the village, showing the same to be a true copy of said record; which said certified copy of the record and resolution aforesaid shall be designated as a "declaration of incorporation." and shall be transmitted to, and be filed and recorded in the office of the Secretary of State, and a like certified copy or declaration of incorporation shall be filed and recorded in a book to be kept for that purpose, in the office of the county clerk of the county in which said village is located.

Certificate to be annexed to copy of resolution.

Declaration of incorporation to be filed with Secretary of State.

SEC. 8. When the declaration of incorporation mentioned in the last preceding section shall be filed in the office of the Secretary of State, as therein directed, the said village shall be deemed in law to be, and shall be, a city of the fourth class duly incorporated under and subject to the provisions of this act, by the name expressed in said declaration of incorporation; and the declaration of incorporation filed in the office of the Secretary of State and in the office of the county clerk aforesaid, or the records thereof, or certified copies of such records shall be prima facie evidence of the due and legal incorporation of such village as a city of the fourth class under the provisions of this act.

When declaration of incorporation is filed, village deemed to be a city of fourth class.

SEC. 9. After the incorporation of the village as a city as aforesaid, the government and affairs of the old or village corporation shall continue and proceed as before, and all village officers shall remain in office and exercise their powers and duties as village officers, except as herein otherwise provided, until the city officers and members of the council first elected under the new corporation shall enter upon the duties of their offices.

After incorporation as a city what officers to remain in office.

SEC. 10. Immediately upon filing the declaration of incorporation mentioned in section seven, in the office of the Secretary of State, as in that section directed, the council shall proceed to divide the newly incorporated city into wards. If such city contains a population of less than five thousand persons, they shall divide it into three wards; if it contains a population of five thousand and upwards, it may be divided into four wards; and a greater number of wards may be established upon the basis of population as provided in section two, chapter three of this act. The division shall be so made as to make the territory and population of the wards as nearly equal as may be.

When city to be divided into wards.

Number of wards.

SEC. 11. The first election in and for the new corporation shall be held on the first Monday in April next after the filing of the declaration of incorporation in the office of the Secretary of State: *Provided*, There shall be sufficient time after the division of the city into wards, to make a registration of the electors, and to give the notice of election hereinafter required; and if there shall not be sufficient time for that purpose, then such first election shall be held on the first Monday

Time of holding first election.

Proviso as to registration of electors.

When special election may be held.

Who to be appointed inspectors of election.

Clerk to give notice of time and place for holding election.

When inspectors to meet for the purpose of registration.

Council to procure books for registry.

Inspectors of election to constitute board of registration.

Oath of office.

Manner of registering electors.

Who to be inspectors of first election, duties of.

Cities organized to be a body politic.

May hold property.

of April next thereafter; or the council may appoint a day for the holding of a special election, upon giving like notice as hereinafter required for the holding of such elections.

SEC. 12. At least ten days before the first election in and for the new corporation, the council of the old corporation shall appoint four persons in each ward as inspectors of such election therein; and cause notice to be given, by the clerk, by handbills posted in ten of the most public places in each ward, and by publication in one or more newspapers printed in the city, of the time and place in each ward of holding such election, and of the city and ward officers to be elected; and of the place in each ward where the said inspectors of election will meet on the Saturday next preceding the election to make a registration of the electors of the new city corporation, and that no person, unless registered in such registry, can be permitted to vote at such elections. Said council shall also procure books of registry of the form required by law for the registration of electors in cities, and deliver them to said inspectors.

SEC. 13. The inspectors of election, appointed as provided in the preceding section, shall constitute boards of registration for their respective wards for the purpose of making the first registry of the electors therein. They shall take and file with the clerk the oath of office required in this act to be taken by city officers, and shall meet in their respective wards on the day and place appointed in the notice mentioned in the preceding section, and there make a registry of all persons in the wards qualified by law to be registered as electors therein. In making such registry they shall proceed in the manner provided by law for making the registry of electors in cities. Such registry, when completed, shall be the registry of electors of the several wards of the city.

SEC. 14. Said inspectors shall be inspectors of such first election in their respective wards, and shall have the same powers and perform the same duties at the election, and in respect to the canvass of the votes, and in making and returning written statements and certificates of the votes cast, and for whom given, as are required of inspectors at annual city elections provided for in this act, except that said written statements and certificates shall be deposited with the village clerk, and the village council shall respectively perform the same duties in respect to the canvass of the votes and returns, and in determining and certifying what persons were elected to office, and in notifying such persons of their election as are required of the city clerk and council in respect to said annual city elections.

SEC. 15. All cities organized under or made subject to the provisions of this act shall be bodies politic and corporate under and by the name assumed by them in their declaration of incorporation, or designated in their acts of incorporation; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common

seal and change the same at pleasure, and exercise all the powers in this act conferred.

SEC. 16. Judicial notice shall be taken in all courts and proceedings in this State of the existence of all cities incorporated or made subject to the provisions of this act, and of the change of organization of any city or village from its former organization to its incorporation under or subject to the provisions of this act, and of all changes at any time made in the corporate limits of any city, by the annexation of territory thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in any such city; and from the time of such incorporation or change of organization the provisions of this act shall be applicable to such cities, and all laws in conflict therewith shall no longer be applicable.

Judicial notice to be taken in all courts as to cities incorporated under provisions of this act.

SEC. 17. All ordinances, by-laws, and resolutions, in force in any village, when it shall be incorporated under this act and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the city council.

Ordinances, by-laws, resolutions not inconsistent may remain in force.

SEC. 18. All rights and property of any kind and description which were vested in any village corporation under its former organization shall, upon its incorporation, subject to this act be deemed and held to be vested in the new corporation; and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its incorporation, under this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the city under this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

All property rights of village to be vested in city.

Change of corporation shall not affect liabilities.

Proviso as to remedies.

CHAPTER II.

CHANGES OF BOUNDARIES.

SECTION 1. Whenever the council of any city shall determine by resolution to alter the boundaries of such city, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in such city, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of such city and be accompanied by a

Council may determine by resolution to change boundaries of city and petition board of supervisors to make such change.

What petition to contain.

Notice of petition to be published,	map of said lands, and set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be certified to by the clerk under the official seal of such city. Before such petition shall be presented to the board of supervisors, notice shall be given by the city clerk of the time and place when the same will be presented for consideration, by publishing the same in one or more newspapers published in such city for at least three weeks immediately preceding the presentation of the same.
What notice to contain,	Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of such city. At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such city, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon, if a change of boundaries shall be ordered, then such boundaries of the city shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of such city and to the Secretary of State, and such order shall be <i>prima facie</i> evidence of such change of boundaries of such city and of the regularity of such proceedings in all courts and places: <i>Provided</i> , That the board of supervisors shall not change the boundaries of any city in such a manner as to affect the boundaries of a representative district at a time when changes in the boundaries of representative districts are prohibited.
Board of supervisors to determine and make order for such change,	
Copy to be transmitted to Secretary of State,	
Proviso as to representative districts,	
When boundaries are changed, the rights of persons affected to be settled in accordance with the general law.	SEC. 2. Whenever any city incorporated subject to the provisions of this act shall have its boundaries changed by the addition of any territory thereto, or by the taking of any territory therefrom, the rights and interests of the township or city from which such territory shall be taken or to which it shall be annexed as well as the rights of the persons affected by reason of such change of boundary, shall be settled and adjusted in accordance with the general laws of this State in such cases made and provided.

CHAPTER III.

WARDS.

Wards.	SECTION 1. The wards established by the council as provided in section ten, chapter one of this act, and the wards established in any incorporated city at the time of its reincorporation under the provisions of this act, shall continue to be the wards of such city, until changed by the legislature.
Number of wards to be apportioned according to population,	SEC. 2. Any city having a population of less than five thousand inhabitants may be divided into three wards. If it contains a population of five thousand or upwards it may be

divided into four wards, and an additional ward for every additional two thousand inhabitants above five thousand and up to ten thousand. But any city having, at the time of its being brought under or subject to the provisions of this act, a greater number of wards in proportion to its population than above mentioned, shall not be required to diminish the number of its existing wards.

SEC. 3. No election of aldermen or ward officers shall be held in any newly established ward, or in any ward, on account of changes in the boundaries thereof, previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

Change of boundaries not to affect aldermen or ward officers.

SEC. 4. When by the creation of a new ward two aldermen are to be elected therein at the same time, one of them shall be elected for one year, and one for two years, and the term of each shall be designated on the ballot.

In case of a new ward how terms of aldermen may be designated.

CHAPTER IV.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of cities having the qualifications of electors under the constitution of the State, and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election district in which is located his regular place of lodging.

Who deemed electors.

Residence of electors.

SEC. 2. The council of any city having more than six hundred and fifty electors in any ward of the city, according to the poll list of the last preceding election, shall cause such ward to be divided into two or more voting districts. The manner of making such division, the creation of election inspectors and boards of registration therein, and all matters pertaining to such division and the holding of elections in such districts, not covered by the provisions of this chapter, shall be provided for by the council making such division.

Council may divide wards into voting precincts.

REGISTRATION.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If, by reason of a change of boundary of any ward, or the formation of a new ward, or the formation of more than one election district in a ward, or other cause, there shall not be any or a sufficient number of aldermen representing such

Aldermen to constitute board of registration.

When council to appoint additional members.

Compensation.

When change made in ward, board of registration to meet and arrange names of electors.

When new ward is formed board to make new register.

Notice of to be given.

Each ward to be an election district.

When board of registration to sit.

Each qualified elector to have his name registered.

When council to fix place where board to meet.

How notice of to be given.

ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The members composing such board of registration shall receive two dollars per day as compensation.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, or when a ward shall be divided into voting districts, the boards of registration of the respective wards or voting districts affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to a new ward, or from one voting district to another, shall be copied into the register of the ward or district to which the transfer was made, and be stricken from the register of the ward or district from which the elector was transferred by the change.

SEC. 5. When a new ward or voting district shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such ward or district, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

SEC. 6. Each ward, unless otherwise subdivided, shall be an election district. On the Saturday next preceding a general election, and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each person then actually residing in the ward or voting district, and who, at the then next approaching election may be a qualified elector and whose name is not already registered, to have his name entered in the register of such ward or voting district.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting district of the city where the board of registration will meet, and at least eight days before such session of the board the city clerk shall give notice by handbills posted in ten public places in each ward or voting district, and by publication in one or more newspapers printed in the city, of the time and place in each ward or voting district when and where the board of registration for such ward and voting district will meet. Except as in this act otherwise provided, the general laws of this State

relating to the registration of electors in cities shall apply to the registration of electors in cities incorporated under or made subject to the provisions of this act. General laws to apply to registration.

SEC. 8. The boards of registration in cities incorporated under this act at their sessions previous to the general election in November, in the year one thousand eight hundred and ninety-six, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen hundred, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. When board to make re-registration.
Rules to be observed.
Old register not to be used.
When notice of re-registration to be given.

CHAPTER V.

OFFICERS.

SECTION 1. In cities incorporated under this act the following city officers, [viz.] namely, a mayor, city clerk, city treasurer, and two justices of the peace, shall be elected by the qualified voters of the whole city: *Provided*, That no person shall be eligible to the office of city treasurer for more than two terms in succession. What city officers to be elected.
Treasurer not to hold but two terms in succession.

SEC. 2. In each ward a supervisor, two aldermen and a constable shall be elected: *Provided*, That the council of any city reincorporated under and made subject to the provisions of this act, which at the time of such reincorporation shall have but two wards, may provide by ordinance for the election of two additional aldermen, to be known as aldermen at large, and to be elected by the qualified electors of the whole city. At the first election held under this act one of such aldermen shall be elected for a term of one year and one for a term of two years, and annually thereafter one shall be elected for a term of two years. Ward officers to be elected.

SEC. 3. The following officers shall be appointed by the mayor, by and with the consent of the council, [viz.] namely, a city attorney, city marshal, street commissioner, city surveyor, a city assessor when provided for, and a chief engineer of the fire department. The council may also, from time to time, provide by ordinance for the appointment of, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be City officers to be appointed by mayor.
Council may provide for appointment of other officers.

Appointments to be made by mayor with consent of council. When mayor to have no vote in council. When appointments to be made.

made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance, but the mayor shall have no vote in the council on the question of his appointments of above named officers.

SEC. 4. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made by the mayor and confirmed at any subsequent regular meeting of the council.

What officers to be elected at first election.

SEC. 5. At the first election held in any city incorporated under this act, two justices of the peace shall be elected; also two aldermen in each ward, but in cities reincorporated under this act, the aldermen elected under the former corporation shall continue in office for the term for which they were elected; and, at such first election, such number of aldermen only shall be elected, as with those continuing in office as aforesaid, shall make the requisite number of aldermen as required by this act, and the terms of the aldermen first elected as aforesaid shall be so arranged that one alderman for each ward shall be elected annually thereafter. In all such cities reincorporated under the provisions of this act, the then existing justices of the peace shall hold their offices until the fourth day of July next after such first election, and no longer, and at such first election two justices of the peace shall be elected, one for the term of two years and one for the term of four years from the fourth day of July next thereafter, and the term for which each is elected shall be designated upon the ballots cast for him, and biennially thereafter one justice of the peace shall be elected for a term of four years: *Provided*, That whenever any city reincorporated under this act shall at the time of such reincorporation have but two justices of the peace, whether elected by wards, districts, or by the city at large, such justices shall hold their respective offices until the expiration of the term for which they were respectively elected, and thereafter their successors shall be elected for the term of four years as provided in this act.

Terms of aldermen, how arranged.

When to elect justices of peace.

Term of office of.

Terms of office of certain city officers.

SEC. 6. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Terms of office of appointed officers.

SEC. 7. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office. Any officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

Term of officer filling vacancy.

SEC. 8. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices on the second Monday of April of each year, unless herein otherwise provided for.

When officers to enter upon duties.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

SEC. 9. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

Qualifications for holding office.

SEC. 10. Justices of the peace elected in any city shall take and file an oath of office with the county clerk of the county in which the city is located within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

When votes or appointment to be void.

When and how justices of peace to file oath of office.

When other officer to take oath.

SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

When and how justice of peace to file security.

Penalty for not filing.

When and how other officers to file security.

Bond of clerk to be deposited with treasurer.

SEC. 12. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths.

Who and how to inquire into sufficiency of sureties.

Examination of surety to be attached to bond.

When council may require new bonds.

Penalty for failure to comply.

The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

SEC. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations to be made to council.

When office to be declared vacant.

Office may be vacated when oath or bond not filed.

When and how council may fill vacancy.

What vacancies filled by election.

When and how vacancies to be filled in appointive offices.

Resignation or removal not to exonerate from liability.

When officer to turn over city property to successor.

Penalty for violation.

SEC. 14. Resignation of officers shall be made to the council.

SEC. 15. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

SEC. 16. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 17. In case any vacancy occurs in the office of mayor, or in any other elective office, except justice of the peace, constable and school trustee, as hereinafter provided, the council may fill such vacancy by appointment at any time within twenty days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such vacancy occurs, by the mayor by and with the consent of the council.

SEC. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

SEC. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be

deemed an officer within the meaning and provisions of such general laws of the State.

CHAPTER VI.

ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place or places in each of the several wards of the city, as the council shall designate.

When annual city election to be held.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

When and how special may be called by council.

SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice to be delivered to inspectors of election.

What to contain.

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

When and how notice to be given by city clerk.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Ballot boxes, how provided and kept.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes respectively, before the closing thereof.

When polls to be open.

When inspectors to make proclamation of opening and closing.

SEC. 7. The supervisor and two aldermen of each ward when eligible and one elector of the ward to be appointed by the council shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the

Who to constitute board of election inspectors.

How to be chosen
when vacancy
exists,

formation of new wards or by a change in the boundaries of existing wards or the creation of more than one election district therein, or for any reason there shall not be a sufficient number of the officers last named in any ward or district to make a board of four inspectors for each election district, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward or election district shall constitute a board of four inspectors for the ward or district, and if at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, viva voce, such number of electors, as with the inspector or inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, during the continuance thereof. Each inspector of the election shall receive two dollars per day as compensation.

Compensation,

Who to be chairman and clerk of board,

SEC. 8. The inspectors of election in each ward or voting district shall choose one of their number chairman of the board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Inspectors of State, county and district election,

SEC. 9. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county, and district elections in their respective wards or voting districts.

Elections, manner of conducting,

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Election commissioners, appointment of, duties,

SEC. 11. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.

Electors to vote by ballot,

SEC. 12. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching elections shall be governed by the general election

laws of the State, when not inconsistent with the provisions of this act.

SEC. 13. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.

Council to meet and determine result of election.

Certificate of election.

SEC. 14. The person receiving the greatest number of votes for any office in the city or wards, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Who to be deemed elected.

In case of tie vote.

SEC. 15. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section thirteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of such appointment.

Clerk to notify person elected or appointed.

SEC. 16. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Failure to file bond, clerk to give notice.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS.

MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the

Mayor, duties of.

city and the ordinances and regulations of the council are enforced.

To be conservator of the peace.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

To remove officers.

SEC. 3. The mayor may remove any officer appointed by him at any time but only upon a hearing and upon charges preferred, to which said officer shall have the privilege of filing an answer thereto within ten days after service upon him of a copy of said charges, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Vacancy to be filled by president *pro tem*.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor during such absence, disability or vacancy.

ALDERMEN.

Aldermen, powers and duties of.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereupon appointed by the mayor or council. They shall be conservators of the peace, and as such they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

CITY CLERK.

City clerk, powers and duties of.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of a township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

SEC. 7. The clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment, and, after examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or apportioned, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

To be general
accountant of
the city.

To report
amount of tax to
city treasurer.

SEC. 8. The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation and all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon keeping a separate account with each fund; when any fund has been exhausted the clerk shall immediately advise the council thereof.

To have super-
vision of city
money and
property.

To keep account
with treasurer.

SEC. 9. The clerk shall report to the council whenever required a detailed statement of the receipts, expenditures and financial condition of the city of the debts to be paid and moneys required to meet the estimated expenses of the corporation and shall perform such other duties pertaining to his office as the council may require.

To make finan-
cial report to
council.

SEC. 10. The clerk may, subject to the approval of the council appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk, unless otherwise provided by the council. The clerk shall be responsible for all the acts and defaults of such deputy, and he may remove such deputy at his pleasure.

May appoint
deputy.

CITY TREASURER.

Treasurer to have charge of money.

To keep account of taxes.

To keep funds separate.

May appoint deputy.

To be collector of State and county taxes.

To make monthly report to clerk.

To make annual report to council.

SEC. 11. The treasurer shall have the custody of all moneys, bonds, mortgages notes leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer, subject to the control of the treasurer; and the treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer unless otherwise provided by the council, and such deputy may be removed at the will of the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe, and as provided by this act.

SEC. 12. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report, and the council may at any time when they shall deem it advisable cause such report to be verified by a personal examination of the books, warrants, vouchers and city moneys in the possession of the treasurer. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city.

SEC. 13. The said treasurer shall take receipts and vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, and he shall exhibit to the council such receipts or vouchers on the first Monday of March in each year, or as often as the council shall require, as provided in the next preceding section.

To take receipt
for all moneys
paid from
treasury.

SEC. 14. The city treasurer shall be the treasurer of the school district designated in this act as the "public schools of the city," and shall have the custody of the funds belonging to and receivable by such district from all sources, for schools, library, and schoolhouse purposes. He shall receive from the county treasury, for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the said treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

To be treasurer
of public
schools.

To receive
school and
library money.

To pay out
money on
warrants.

Bond of to
public schools.

SEC. 15. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

To keep moneys
separate.

Penalty for
violation.

CITY MARSHAL.

SEC. 16. The marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly

Marshal to be
chief of police.

To serve and execute process.

enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, and such process may be served anywhere within the State.

To suppress riots, make arrests, etc.

SEC. 17. He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also without process arrest and imprison persons found drunk in the streets.

To report to council, arrests made.

SEC. 18. The marshal shall report in writing and on oath to the council at their first meeting in each month all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, except fees for his personal services, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

To pay money into city treasury.

Fees.

SEC. 19. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by, the city.

CITY ATTORNEY.

City attorney, duties of.

SEC. 20. The attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

CITY SURVEYOR.

Surveyor general, powers and duties of.

SEC. 21. The surveyor shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to the

To make plats, etc.

public improvements, buildings, grounds and streets of the city, and all plats, maps, surveys and diagrams made by him as such surveyor shall be the property of the city, and shall be delivered by him to his successor in office.

STREET COMMISSIONER.

SEC. 22. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Street commissioner, duties of.

SEC. 23. He shall make a report to the council, in writing, and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath, as aforesaid: *Provided*, That nothing in this act shall prevent the council from bestowing the powers and duties of street commissioner upon the marshal when it shall be deemed advisable.

To make monthly report to council.

Powers and duties of, may be given marshal.

CONSTABLES.

SEC. 24. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

Constables, powers and duties.

SEC. 25. The constables of the city shall obey all lawful orders of the mayor, aldermen and any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any such duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such bonds for the performance of the duties of his office, as may be required and approved by the council, and file the same with the city clerk.

To obey orders of mayor, aldermen and justice of peace.

SUPERVISORS.

Duties of supervisors in regard to taxes.

To be members of county board of supervisors.

Representation of certain cities not to be affected.

Supervisors to select lists of jurors.

SEC. 26. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective wards, as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county in which the city is located, and shall have all rights, privileges and powers of the several members of such board of supervisors: *Provided*, That any city now having a greater representation upon the board of supervisors of any county than is provided by this act, shall continue to have such representation as it may have at the time of such reincorporation, and if the office of any officer now representing any such city upon the board of supervisors is abolished by this act, the council of such city may annually appoint some suitable person, being a resident elector of such city to represent the city upon the board of supervisors in the place of such officer whose office has been abolished.

SEC. 27. The supervisors of the several wards shall, except in counties having a jury commission, select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

JUSTICES OF THE PEACE.

Jurisdiction and powers of justices.

Authority under ordinances of city.

Proceedings before justices to be governed by general laws.

SEC. 28. Justices of the peace elected in any city under the provisions of this act shall have, and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter ten of this act.

SEC. 29. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to and be

governed by the general laws applicable to justice courts and to the proceedings before such courts.

SEC. 30. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all reasonable times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required.

Justice's docket.

Contents of.

Docket to be open to inspection.

SEC. 31. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first day of the month next after the collection or receipt thereof; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

Fines to be paid to city treasurer.

Receipt for to be filed with clerk.

SEC. 32. Every such justice shall report, on oath, to the treasurer at the time of making the payments provided for in the next preceding section, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.

Justice to report names of prosecuted or fined and amount of fine.

SEC. 33. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

Disposition of fines for violation of penal laws.

Expense of prosecutions; how paid.

SEC. 34. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

Justice to give bond.

Amount of, and sureties.

SEC. 35. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of

Penalty for misconduct in office.

the city, shall be deemed guilty of a misdemeanor, and punishable accordingly.

Disposition of
unclaimed goods
or money.

SEC. 36. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares and property, seized or stolen property, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law.

Council may
prescribe addi-
tional powers
and liabilities.

SEC. 37. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

COMPENSATION OF OFFICERS.

Salary of mayor
and aldermen.
Other city
officers.

SEC. 38. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, city attorney, and engineer of the fire department shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Of supervisors.

Of justices of
peace and
constables.

Of all other
officers.

Salary not to be
increased or
diminished dur-
ing term of
office.

SEC. 39. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased.

CHAPTER VIII.

THE CITY COUNCIL.

Of whom council
to consist.

SECTION 1. The legislative authority of cities incorporated under this act shall be vested in a council consisting of the mayor, two aldermen elected from each ward and the city clerk.

President of
council.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no

vote therein, except in case of a tie, when he shall have the casting vote.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in case of a tie. In the absence of the president and president *pro tem* the council shall appoint one of their number to preside and for the time being he shall exercise the powers and duties of the president.

Selection of president *pro tempore*.

Right of vote of.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy the council shall appoint one of their number to perform the duties of clerk for the time being.

Clerk of council.

SEC. 5. Each alderman shall be required to attend all sessions of the council, and serve upon committees when appointed thereon. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused therefrom by a vote of two-thirds of the aldermen elect.

Aldermen to attend council meetings; when shall not vote.

SEC. 6. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor or any three members of the council may call special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence at least six hours before the meeting.

Council to judge of election of its members.

Regular meetings of.

Special meetings, how called.

SEC. 7. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice, and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall

Meetings to be public. Quorum.

Attendance of absent members. When two-thirds vote required.

Appropriation of money.	be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.
Rules and record.	SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All
Vote to be by yeas and nays.	votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative
Proceedings to be published.	and those in the negative, and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.
Fines for non-attendance.	SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.
Disorderly conduct at council meetings.	SEC. 10. The attorney, marshal, street commissioner, surveyor, and engineer of the fire department, may take part in all proceedings and deliberations of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.
Certain officers to attend council meetings.	SEC. 11. The council shall have control of the finances and of all property of the city corporation, except as may be otherwise provided by law.
Council to control finances and city property.	SEC. 12. Whenever by this act or any other provisions of law any power or authority is vested in, or duly imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.
Council to enact ordinances to carry out powers vested in.	SEC. 13. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor, subject to the approval of the council.
Standing committees.	SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by this act to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection and all such records, books and papers shall be
Appointment of.	
Records, documents, etc., to be filed with city clerk.	

subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of the same from being known, shall on conviction thereof be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Open to inspection.

Penalty for injuring or destroying such records and documents.

SEC. 15. No member of the council shall receive any compensation for his services, either as alderman, committeeman or otherwise, except as herein provided.

Compensation of members limited.

SEC. 16. No member of the council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or service (other than official services), to be performed for the corporation, and any member of the council, or officer of any city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Councilmen as city officers not to be interested in contract.

Penalty for violation.

SEC. 17. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may remove from office any alderman by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers other than aldermen and justices of the peace, provision shall be made, by ordinance, for preferring charges against such officers and trying the same; and no removal of an elective officer, other than an alderman, shall be made except by a two-thirds vote of all the aldermen elect and unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Removal of appointive officers.
Of aldermen.

Manner of preferring charges against officers.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.

Procedure in investigating charges.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or

Power of council to summon witnesses.

Accounts against city.	chairman of such committee for the time being, shall have power to administer the necessary oaths.
Affidavit of person presenting.	SEC. 20. The council shall audit and allow all accounts chargeable against the city but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or if such claim is founded on contract that the same was presented without the affidavit or certificate as aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.
Defenses to actions for collecting damages for injuries.	
Defense to action on contract.	

CHAPTER IX.

ORDINANCES.

Style of ordinances.	SECTION 1. The style of all ordinances shall be, "The city of ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.
When ordinances to take effect.	
Limit of penalty to be imposed by council.	SEC. 2. When, by the provisions of this act, the council of any city has authority to pass ordinances for any purpose they may prescribe, fines, penalties and forfeitures not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months or both in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such
May imprison on failure to pay fine.	

other prison or place of confinement in the State as provided by law. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds vote of all the aldermen elect, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor shall approve the same in writing.

Mayor may suspend operation of ordinance.

May be passed by two-thirds vote of council.

SEC. 4. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of an ordinance is amended, the whole section, as amended shall be re-enacted.

Repealed ordinances how re-enacted.

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

To be published within one week.

Judicial notice
of ordinances
to be taken.

Laws, how
proven.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of any city, and in all proceedings in such city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of any city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

Prosecutions for
violations of
ordinances,
when to be
brought.

Penalty, when
may be recov-
ered in action
of debt or assump-
sit.

Action, how
brought.

Execution, when
to issue.

SECTION 1. Prosecutions for violations of the ordinances of cities incorporated under this act, shall be commenced within two years after the commission of the offense, and shall be brought within the city.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Prosecutions may be commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace. Issue of warrant. Proceedings governed by general law.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Judgment, punishment and costs.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence. Execution of judgment.

SEC. 8. Every city shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by law, and the sheriff or other City to be allowed use of county jail.

keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process to be directed to marshal or constable.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

In suit, ordinance need not be set forth.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

Right of trial by jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with all the inhabitants of the city in the result of the suit.

Appeal or certiorari.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal causes cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court, and the like proceedings shall be had therefor and

thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security therein. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the city treasury except such fines as by the constitution are appropriated for library purposes on or before the first Monday of the month next after the receipt of the same and take the treasurer's receipt for and file the same with the city clerk.

Fines may be received by court.

Court to pay same into city treasury.

SEC. 14. If any person who shall have received any such fine or any part thereof shall neglect to pay over the same pursuant to the foregoing provision it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Neglect to pay over fines.

Penalty for.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Disposition of fines.

SEC. 16. The circuit court of the county in which any city incorporated under this act is located, shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

Jurisdiction of circuit court.

Justice of peace,
jurisdiction of.

SEC. 17. The justice of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

Security for
costs in prose-
cution.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

CHAPTER XI.

GENERAL POWERS OF CITY CORPORATIONS.

General powers
of city.

SECTION 1. Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely:

Council may
pass ordinances.

To prevent vice
and immorality.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To punish
vagrants and
disorderly per-
sons.

Second, To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

Nuisances.

Third, To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;

Disorderly
houses.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;

Fifth, To regulate or license the use of billiard tables, nine or ten-pin alleys or tables, and ball alleys; License of billiard tables.

Sixth, To prohibit and suppress every species of gambling, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming.

Seventh, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing; Selling liquors.

Eighth, To regulate, restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted; Sports, shows, etc.

Ninth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Violation of Sabbath.

Tenth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctioneers and auction sales.

Eleventh, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city; Hawkers, peddlers and pawnbrokers.

Twelfth, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city; Wharf boats, tugs, etc.

Thirteenth, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon; May license and regulate ferries, etc.

Fourteenth, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating houses, and to regulate and prescribe the loca- Taverns, saloons.

	tion of saloons; but this shall not be construed as authorizing the licensing of the sale of intoxicating liquors;
Vehicles, transfers, etc.	<i>Fifteenth</i> , To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city, and regulate or fix their stands on the streets and public places, and at wharves, boat landings, railroad station grounds and other places;
Toll bridges.	<i>Sixteenth</i> , To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same;
May regulate inspection of meats.	<i>Seventeenth</i> , To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;
Inspection and measuring certain merchandise.	<i>Eighteenth</i> , To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise.
May inspect and seal weights and measures.	<i>Nineteenth</i> , To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures by venders;
May regulate construction and repair of vaults, etc.	<i>Twentieth</i> , To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
To prohibit indecency and obscenity.	<i>Twenty-first</i> , To prohibit and prevent, in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
To regulate bathing in rivers, etc.	<i>Twenty-second</i> , To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;
To provide for cleaning rivers, ponds, etc.	<i>Twenty-third</i> , To provide for clearing the rivers, ponds, canals and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
To abate nuisances in all shops, stores, houses.	<i>Twenty-fourth</i> , To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;
To regulate keeping and use of all explosives.	<i>Twenty-fifth</i> , To regulate the keeping, selling and using of dynamite, gunpowder, firecrackers and fireworks, and other explosive or combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;
To regulate construction of cellars, privies.	<i>Twenty-sixth</i> , To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies;

Twenty-seventh, To prohibit, prevent, and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof; To prohibit mock auctions.

Twenty-eighth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same; To prohibit lotteries.

Twenty-ninth, To license and regulate solicitors for passengers or for baggage to and from any hotel, tavern, public house, boat or railroad; and to provide the places where they may be admitted to solicit or receive patronage; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation; To license and regulate cab drivers, baggagemen.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor; To provide for paupers.

Thirty-first, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit, and to direct and regulate the same; Census.

Thirty-second, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; and to regulate and prevent the running at large of dogs, to require them to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city; Dog licenses.

Thirty-third, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within the city; To prohibit use of toy pistols.

Thirty-fourth, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched, or held; and to regulate the placing and provide for the preservation of hitching posts; To require, horses, etc., to be hitched.

Thirty-fifth, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks; To provide for numbering buildings.

Thirty-sixth, To provide for, establish, regulate and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper; To provide fountains, reservoirs.

To regulate
street railways.

Thirty-seventh, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city;

To keep public
library.

Thirty-eighth, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private beneficence as the council may deem to be for the public good;

To license trans-
ient traders.

Thirty-ninth, The council may also license transient traders, which shall be held to include all persons who may engage in the business of selling goods or merchandise after the commencement of the fiscal year, and the license fee in such cases may be apportioned with relation to the part of the fiscal year which has expired, but such traders, if they continue in the same business, shall not be required to take out a second license after the commencement of the next fiscal year: *Provided,* Such goods or merchandise have been assessed for taxes for said fiscal year;

Council shall
have authority
to enact ordi-
nances.

Fortieth, The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever.

Council may
prescribe terms
and conditions
of licenses.

Person receiving
license to give
bond.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such reasonable sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation, when required by the council, in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license.

License revoca-
ble at pleasure
of council.

Person holding
license to forfeit
all payments.

Term for which
license may be
granted.
Not transfer-
able.

Penalty for.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occu-

pation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

License receipts to be credited to contingent fund.

SEC. 5. The council of any city shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Council may permit tracks to be laid in streets.

May prescribe conditions.

Two-thirds vote required to grant franchise.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the city; but such speed shall not be required to be less than six miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

Council may change grade and require railway companies to conform to same.

May require companies to protect crossings.

May regulate speed of all trains or electric cars.

Penalty.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such

Council may require street railway or railroad company to keep drains in repair.

Council may cause work to be done at expense of company.

requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

Council may enact ordinances relative to fences.

SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

May recover damages from owner.

May appoint fence-viewers.

May provide for support and relief of poor. May appoint director of poor.

SEC. 9. The council of any city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the exercise of his duties.

CHAPTER XII.

POLICE.

Police force.

Council may provide for, Mayor may appoint with consent of council.

Council may authorize mayor to appoint special policemen.

Council may prescribe rules and regulations for police force.

SECTION 1. The council of any city may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation.

The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council shall not continue longer than three days.

When mayor may appoint temporary policemen.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

City marshal to have control of police subject to mayor.

SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the State, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night-watchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Duties of police

Powers of police.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

Fees of policemen for serving process.
Compensation of.

Policemen to report fees received once a month.

When mayor
may suspend
policeman.

SEC. 6. The mayor may suspend or remove any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause.

CHAPTER XIII.

CITY PRISON.

Council may
provide for city
prison.

SECTION 1. The council of any city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Persons impris-
oned may be
confined at hard
labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIV.

PUBLIC HEALTH.

Council may
enact ordinances
to protect public
health.

SECTION 1. The council of any city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

May provide for
removal of cer-
tain persons.

Council has
power to abate
all nuisances.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company, causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cellars, vaults
and filthy places
may be drained
by order of
council.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition

as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty and may require the owner or occupant of any building, fence or structure, which may be dangerous or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Owner or occupant may be required to pull down dangerous buildings.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Recovery of expense of abating nuisances.

Expense of may be assessed against property.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Location of certain offensive trades.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employés, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health,

Hospitals, Councilmen may provide.

Treatment of persons having contagious diseases.

persons having any malignant, infectious or contagious disease, or who have been exposed to such disease, may be removed to such hospital, pest house or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital, pest house or quarantine grounds until duly discharged.

Council to have powers conferred on boards of health by general laws.

SEC. 7. The council of any city incorporated under this act shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Board of health may be established.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

Powers of.

Penalty for violation of orders of.

CHAPTER XV.

CEMETERIES.

City may own cemetery.

SECTION 1. Any city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

Interment of dead.

Appropriations for cemetery.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof.

SEC. 3. Whenever any city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the mayor, by and with the consent of the council, shall appoint five trustees who shall be freeholders and electors in the city, and who shall constitute a "Board of Cemetery Trustees." The five trustees so appointed shall hold their offices for the term of five years, except that at the first appointment one shall be appointed for one year, one for two years, one for the term of three years, one for the term of four years, and one for the term of five years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Board of cemetery trustees.

Term of office of.

Removal of trustees.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be the clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs, and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

Chairman and clerk of board.

Powers of board.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the city clerk. Such board shall also have power in its discretion to take, receive, and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Board to have care and management of cemetery.

Power of board to receive and hold property.

Price of lots.
Conveyances to be recorded.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be

Superintendent and employes.

Board to enforce ordinances of council in regard to cemetery.

consistent with the ordinances of the city and the laws of the State.

Cemetery moneys to be paid to city treasurer.

SEC. 7. All moneys raised for any public cemetery authorized by this act and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Report of board to council.

Contents of report.

Power of council to enact ordinances concerning cemetery.

SEC. 8. The council of any city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Ordinances for protection of cemetery owned by any church or association.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

CHAPTER XVI.

POUNDS.

City may own pounds.

Poundmasters. Impounding of beasts and fowls.

SECTION 1. The council may provide and maintain one or more pounds within the city and may appoint pound masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster they may provide for the impounding of such beasts and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

Fees for impounding.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keep-

ing, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XVII.

HARBORS, WHARVES AND HARBORMASTERS.

SECTION 1. The council of any city located upon or adjacent to any of the navigable waters of the State shall have the power to establish, construct, maintain and control public wharves, docks, piers, landing places and levees, basins and canals, upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use or control of the shore or bank of any lake, river or other waters within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Wharves,
control of.

City to have con-
trol of shore.

Council may
lease wharfing
privileges.

SEC. 2. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals, to be constructed of such material and in such manner and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained.

Council to pre-
scribe manner
of constructing
wharves.

SEC. 3. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the city; regulate the use and location of wharf boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks and landings, and to collect wharfage and dockage from boats, water crafts, and floats landing at or using any public landing place, wharf or dock within the city.

To regulate use
of wharves.

To prescribe
rates of charges.

SEC. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water craft and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming

Purity of waters,
council to pro-
vide for pres-
ervation of.

Anchorage of
boats.

General powers
of council in re-
gard to harbor.

to and departing from the docks, wharves and landings, by boats, water craft and floats, and to regulate and prescribe, by such ordinances or through a harbormaster or other officer, such location for any boat, craft, vessel or float, and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels and floats, and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

Tugs may be
licensed.

Bridges, regula-
tion of.

Appointment of
harbor-master.

SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

SEC. 6. The council may also appoint a harbormaster, wharfmaster, port wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over the navigable waters, harbors, wharves, docks, landings and basins, within the city, and in respect to the navigation, trade, and commerce of the city, and prescribe the powers and duties of such harbormaster and other officers, and to fix the compensation to be paid them.

CHAPTER XVIII.

FERRIES.

Ferries may be
licensed.

Regulation of
ferries.

SECTION 1. The council of any city may regulate and license ferries from such city or any place or landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such licenses and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XIX.

MARKETS.

SECTION 1. The council of any city shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the time for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

Regulation of
markets.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other unwholesome provisions exposed for sale therein.

To preserve
order in
markets.

Seizure of
unsound meats.

CHAPTER XX.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SECTION 1. Any city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.

Council may
erect buildings.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

May be erected
beyond city
limits.

Power of council
over.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof

To vacate or
discontinue
parks, etc.

To protect from
injury.

from obstructions, encroachments and injury, and from all nuisances.

CHAPTER XXI.

SEWERS, DRAINS AND WATER-COURSES.

Construction of
sewers and
drains.

Taking of pri-
vate property
for.

Sewers to be in
public streets.

Board of public
works to have
control of sewer-
age and drain-
age system of
city.

Council to
instruct board of
public works as
to necessity of
drainage of city
and to devise
plan for same.

Plan to be
formed with a
view of dividing
city into sewer
districts.

Diagrams to be
submitted to
council.

Main sewer dis-
tricts may be
subdivided into
special sewer
districts.

SECTION 1. The council of any city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine.

SEC. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plans or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records.

Council may provide for main trunk sewers, without reference to sewer districts.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Costs and expenses of main trunk sewers to be paid out of the general sewer fund.

When certain amount to be defrayed by special assessment.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause the board of public works to prepare, or cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and thereupon the council shall give notice, by publication, for at least two weeks, in one or more of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Board of public works to prepare diagram of sewer district.

Diagram or plat to be open for examination.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be

When council may determine by resolution the construction of sewer district.

recorded in the office of the city clerk, in the book of sewer records.

Special assessments for construction of sewers to be made by special assessors.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments.

When owners of majority of land may petition for sewer district.

SEC. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Council may construct private drains for the benefit of public health.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

Expense to be a lien on premises.

Owners may connect private drains with public sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

Board of public works may charge certain amount for private drains connected with public sewers.

SEC. 14. The board of public works may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Certain expense for improving water-courses may be defrayed by special assessment.

SEC. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

When expense of repairing public sewers may be paid out of general sewer fund.

SEC. 16. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Council may enact ordinances for the protection of public sewers.

SEC. 18. If the council shall have determined to construct any main sewer in any main sewer district, or any main or trunk sewer, without reference to any sewer district, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the council to be paid from the general sewer fund toward the construction of such sewer in such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking towards the construction of such sewer, the council shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as a majority of the electors voting at such election by ballot shall decide; and if a majority of such electors shall vote for the borrowing of such amount of money, then it shall be lawful for any such city to borrow such sum of money not exceeding in all three per cent of the assessed value of the property in such city as shown by the last preceding tax roll, to be used exclusively for such purpose. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this section, and to issue the bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value.

When council may borrow money for the construction of main trunk sewer.

The question of borrowing money to be submitted to the electors.

Council may issue bonds.

CHAPTER XXII.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. No city subject to the provisions of this act shall be liable in damages sustained by any person in such city either to his person or property by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in such city unless such person shall serve, or cause to be served, within sixty days after such

Council to have control of highways and bridges.

City not liable for damages sustained from defective sidewalks.

When city not responsible for care or improvement of streets, etc.

injury shall have occurred, a notice in writing upon the clerk or the deputy clerk of such city, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such city liable for such damages as may have been sustained by him. No city shall be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall have been accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose.

Council to have power to open, extend and alter streets.

SEC. 2. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Expense to be paid by special assessment.

When council deem necessary to discontinue streets, etc., to declare by resolution.

SEC. 3. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Objections to be filed with city clerk.

Council may cause survey of streets, etc., and determine boundaries.

SEC. 4. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and

confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matters therein set forth.

Ordinances discontinuing streets, etc., to be recorded in book of street records.

SEC. 5. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade and upon such line as shall be prescribed by the council; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Council to establish grades of streets, alleys, etc.

When grade is established diagram to be made.

SEC. 6. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Expenses of grading, paving to be assessed on lands abutting upon such street.

Such lands not subject to special assessment.

SEC. 7. Whenever the grade of any street or sidewalk shall have been heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter twenty-five of this act, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall deter-

When grade established not to be changed without compensating owner.

When damages ascertained council may assess amount on real estate benefited.

Assessment to be made and collected as other assessments are made and collected.

mine and define a district in said city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this act; and all of the provisions of chapter twenty-four of this act, relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, and when determined upon by said city, shall be paid to the person entitled thereto.

PAVING AND IMPROVEMENTS.

Council to have power to make paving improvements.

Term "paving" defined.

In case of refusal of owner, council may make improvements.

SEC. 8. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing. Whenever any paving has been ordered upon any street or public highway in the city, it shall be the duty of any person owning any lot or lots, lands or premises adjoining to, or abutting upon such street, before the same shall be paved, to put in and lay all such sewer, water and gas connections in front of their lands and premises, and carry the same from the pipe in such street to and beyond the curb line of such proposed pavement as the council shall determine to be necessary for the preservation of such proposed paving, when the same shall be laid and put down, and such connection shall be laid, made and put in in the manner and at the time or times as shall be directed by the council. In case the owner of such lot or lots, lands or premises shall neglect or refuse to make, lay or put in such connections at the time or in the manner prescribed by the council, then the council shall cause the same to be made, laid or put in, and the respective owners of such lots, lands or premises shall be liable for the cost thereof, together with ten per cent in addition thereto as a penalty to be recovered by the city in an action of debt or assumpsit, or the costs together with the amount of such penalty for which such persons shall be respectively liable, the council shall cause to be reported to the board of special assessors, to be levied and

assessed by them as a special tax or assessment upon such lot or lots, lands or premises, in the same manner as provided in section four, chapter twenty-three of this act, in cases of special assessment for rebuilding and keeping in repair sidewalks in such city.

Expense to be assessed on lands benefited.

SEC. 9. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

What amount for grading and paving may be paid out of general street fund.

What amount to be defrayed by special assessment.

SEC. 10. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

When public buildings are included in special assessment district, council may apportion amount.

Council or board of assessors to adjust assessment according to benefits.

STREET REGULATIONS.

SEC. 11. The council shall have the power to prohibit and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets and alleys of the

Council shall have power to prevent obstructions, etc., on sidewalks.

city, and to remove the same, and to punish those who shall obstruct, encumber, encroach or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance and encroachment.

Council may regulate the planting of shade trees.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

To regulate the removal of soil.

SEC. 13. The council may regulate the making of all openings in, and removals of, the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings, and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

To regulate the use of public highways, streets, etc.

Prescribe stands for vehicles.

SEC. 14. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

To prohibit immoderate riding or driving.

To prevent the running at large of beasts, fowl, etc.

Abate nuisances.

Enforce police regulations.

CHAPTER XXIII.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

Council to have control of sidewalks.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the aldermen elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

Council shall have authority to require owners to build certain sidewalks.

SEC. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances: *Provided*, That the council may, by a two-thirds vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which the same may be located.

Power of council to cause snow and ice to be removed from sidewalks.

Proviso as to rebuilding sidewalks.

SEC. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council or board of public works in respect to such sidewalks, within such time and such manner as the council shall require, the council may

In case of refusal of owner to rebuild or repair sidewalks, council may cause the same to be done.

Expense to be charged to owner or occupant.

Tax to be a lien on premises.

Council shall have power to regulate the placing of signs, etc.

cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisors of the ward in which such lot or premises are situated, to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

CHAPTER XXIV.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Costs of public improvements, how defrayed.

How local improvements may be defrayed.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor [viz.], namely: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, for lighting purposes, hospitals, quarantine grounds or pest-houses, market-houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

SEC. 2. There shall be a board of special assessors in every city, consisting of the city surveyor, and two other members, who shall be freeholders and electors in the city, to be appointed by the mayor, by and with the consent of the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who for the purposes of that assessment shall be a member of the board.

Board of special assessors.

Compensation.

Special assessment to be made by board.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

In case of improvements council to declare by resolution stating improvement.

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plans and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

Council to cause estimates of expense to be made.

Notice to be published.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

Costs of surveys, plans, etc., to be included in special assessment.

Amount to be apportioned according to State and county tax.

SEC. 6. Special assessments to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Special assessment to be levied before making improvement.

When special assessment is to be made, lots and premises to be described.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

Upon receiving order board of assessors to make out assessment roll.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the board of assessors shall enter the several descriptions situated in any one ward by themselves, separate from those of the others. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

In case ownership of description is unknown, board to insert the word "unknown."

Board of assessors to assess relative portion of frontage as improvement bears to the whole amount.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the board shall have completed the assessment they shall report the same to the council; such report to be signed by at least two of the assessors, may be in the form of a certificate, indorsed on the assessment roll, as follows:

When assessment is completed, board to report same to council.

STATE OF MICHIGAN, }
CITY OF....., } ss.

To the Council of the City of———:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Form of certificate.

Dated.....

-----,
-----,
-----,
Board of Assessors.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as they shall prescribe. And the provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

In case of single lot council is authorized to collect the same as special assessment.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the city clerk to the board of assessors for assessment.

Manner of assessment relative to expense for labor performed.

Council to determine amount to be charged against persons interested.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment

Upon receiving report board of assessors to make special assessment roll.

therein, upon each lot or parcel or land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively and when completed they shall report the assessment to the council; and all the several assessments in each ward shall be kept separate the same as is required in section eight of this chapter.

Special assessment to be filed in office of city clerk.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and [number] numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review said assessment. Any person object-
Persons object-
ing to assess-
ment to file same
with city clerk. thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

NOTICE OF SPECIAL ASSESSMENT.

Notice of special assessment.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the council and board of assessors of the city of will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

-----, City Clerk.

Council to re-view assessment.

SEC. 14. At the time and place appointed for the purpose, as aforesaid, the council and board of assessors shall meet and there, or at some adjourned meeting, review the assessment and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect

to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

Confirming of special assessment.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.

When confirmed to be final.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

Special assessment to be a lien.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the proportionate interest thereon.

Collection of special assessments.

Rate of interest.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

When assessments to be paid.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Special roll to be made for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Apportionment of assessments when land is divided.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

When assessment insufficient new assessment may be ordered.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reas-

When assessment illegal, new one may be ordered.

assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Equitable lien
not impaired by
judgment
against assess-
ment.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Clerk to report
assessment to
supervisors.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in such ward tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Duty of super-
visors.

Taxes may be
collected with-
out being levied
by supervisors.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

Duty of clerk
and treasurer.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Treasurer to collect taxes.

Sale of property for failure to pay taxes.

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Return of roll to city clerk.

Statement of delinquent taxes.

SEC. 28. Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section twenty-four of this chapter, and shall then be reassessed with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Council may direct renewal of warrant.

Reassessment of unpaid taxes.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Assessment may be collected in action of assumpsit.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informalities, the assess-

Irregularities not to vitiate assessment.

ment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

Purposes for which private property may be appropriated.

SECTION 1. Private property may be appropriated for public use in any city for the purpose of opening, widening, altering and extending streets, alleys and avenues, for the construction of bridges, for public buildings and for other public structures for public grounds, parks, market places and spaces for public wharves, docks, slips, basins and landings on navigable waters, and for the improvement of water-courses for sewers, drains and ditches, for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Proceedings may be under general law or this act.

SEC. 2. If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city either in the manner, and with like effect as provided by the general laws of this State relating to the taking of private property for public use in cities and villages, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

City attorney to begin proceedings.

SEC. 3. Whenever the council shall have declared a public improvement to be necessary in the municipality, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the public, they shall, by resolution, direct the city attorney to institute the necessary proceedings in behalf of the municipality, before such justice of the peace of the city as they may designate, to carry out the object of the resolution in regard to taking private property by the city for such public use.

Resolution of council authorizing suit.

Filing of petition and resolution with justice of the peace.

SEC. 4. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the city, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the council, and of the passage of said resolution. The petition shall state, among other

things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the council has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality may be entitled within the objects of this chapter.

Contents of
petition.

Impanelling
of jury.

SEC. 5. Upon receiving such petition it shall be the duty of the said justice to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Justice to issue
summons
against re-
spondents.

SEC. 6. Said summons shall be served by the city marshal or any constable of the city, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian, the justice may appoint some discreet and proper person to be guardian *ad litem* of such person in such proceedings, and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall

Serving of sum-
mons on re-
spondents.

On minor or per-
son of unsound
mind, guardian
ad litem.

Service of order of appearance on respondents not receiving summons.

Alias and pluries summons.

Return of officer.

Affidavit of officer, proof of service.

When jury to be impaneled.

Manner of impanelling.

be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable at least six days before the time named in the order for appearance, or the court may make such order for appearance and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. *Alias* and *pluries* summons may be issued, and the justice may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled, and be sufficient evidence of service on the respondents and of the manner of service.

SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall make an order that a jury be impaneled in the case. Such jury shall be composed of twelve freeholders of the municipality and shall be selected and impaneled as follows: The city marshal or any constable of such city shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at not less than three nor more than ten days from the date of selecting such jury, by a *venire* issued by him and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the justice, and in case any of the persons to be summoned cannot by him

be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications, may be summoned as jurors in the case by such officer, and the practice and proceedings under this chapter, except as herein otherwise provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of justice courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

SEC. 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give, according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the justice, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman, or by all jurors.

Oath of jurors.

Jury to hear proofs and view place of improvement.

SEC. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property, and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Verdict of jury, what to determine.

Mortgage or lien on private property taken.

SEC. 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed in the case, and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

Jury may have petition and map.

PART I.

Blank verdict to be furnished. We find that it is necessary to take the private property described in the petition in this cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Form of blank verdict.	Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.

The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

Amendments allowed. SEC. 11. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the council, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Justice to enter report on docket. SEC. 12. Upon filing the report and award made by any jury, with said justice, he shall enter it upon the docket of his proceedings, and a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time hereinafter provided.

To enter judgment of confirmation.

SEC. 13. If such jury should be unable to agree upon a verdict, or for any cause should fail to render a verdict, said justice shall, on the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, or some other justice in said city as provided for above after the first jury is sworn.

When jury disagree new jury to be impaneled.

SEC. 14. If any juror, after being sworn, and before the hearing shall have been commenced, shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Death or disability of juror.

SEC. 15. Any party aggrieved by the judgment of confirmation hereinbefore mentioned may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, under oath, in which he shall set forth a description of the land in which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay costs that may be awarded against him in the circuit court and paying to the justice the sum of three dollars for making his return to the appeal.

Appeal to circuit court.

Bonds in such case.

SEC. 16. Within ten days after taking such appeal said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and file the same with the clerk of such circuit court.

Justice to make return to appeal.

SEC. 17. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case. The parties may proceed to trial by jury without reference to any term of court upon all questions involved in such proceedings and the verdict or finding of the jury shall be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein, who do not appeal.

Circuit court to have jurisdiction upon filing return.

SEC. 18. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said

Dismissal of appeal or judgment.

court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least fifty dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him or to the city as shall be just.

Who to pay costs.

Clerk to procure and record copies of judgment.

SEC. 19. It shall be the duty of the city clerk to procure copies of any judgment of confirmation of the circuit court or of the justice of the peace after the same has become final as well as of the report and findings of the jury, and the same shall be recorded in a book of records to be kept by him, and the docket of such justice, or the judgment of said court, as well as the book of records of such proceedings kept by said clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Proceedings to collect award of jury.

Assessment for benefits.

SEC. 20. When the verdict of the jury shall have been finally confirmed by the justice and the time in which to take an appeal has expired, or, if an appeal is taken and the judgment has been confirmed, thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the council believe that a portion of the city in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in this act for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments when ratified and confirmed by the council, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein pro-

What portion raised by general tax.

vided shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

SEC. 21. Within one year after the confirmation of the verdict of the jury or after the judgment of confirmation shall on appeal be confirmed, the council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city to pay to the persons respectively entitled to the moneys so set apart and provided, to each, his or her portion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The council may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case giving the title of the case; he shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in case an appeal has been had, then in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, which certificate shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the council, by the city attorney, may apply to the court, and shall be entitled, on

Compensation to owner of private property taken, when to be made.

Council may borrow amount.

When council may take possession of property.

making a sufficient showing to a writ of assistance to put them in possession of the property.

Fees of officers,
jurors and wit-
nesses.

SEC. 22. Officers, jurors and witnesses in any proceedings under this chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in an ordinary action at law in the justice courts of this State, and in cases of appeals the same fees and compensation as are provided by law for similar services in circuit courts.

Register of deeds
to testify as to
owners of prop-
erty.

SEC. 23. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Buildings or
property taken.

SEC. 24. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the council; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken.

City may pur-
chase property.

SEC. 25. Nothing in this chapter contained shall prevent any city from obtaining private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XXVI.

WATER-WORKS.

City may main-
tain water-
works.

SECTION 1. Any city incorporated or reincorporated under the provisions of this act shall have authority to purchase or construct new and to maintain and extend existing water-works for the introduction of water into such city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the council may prescribe.

May erect reser-
voirs, canals,
pumps, etc.

SEC. 2. Such city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and

machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water-works. Purchase grounds.

SEC. 3. It shall be lawful for any such city, subject to the provisions of this act, to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city, as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing or extending water-works, as provided in the two preceding sections. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: *Provided*, That the total amount expended for constructing, purchasing, or extending such water-works shall not exceed the estimate of expense provided for in section four of this chapter. May borrow money for water works.

SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the purchase, construction or extension of water-works in any city, the council shall direct the board of public works to cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its next annual election or at a special election called for that purpose by the council as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide: *Provided, however*, That after water-works have been purchased or constructed by such city the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as they may see fit, without submitting the question to the electors of the city, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section five, chapter thirty of this act the council is authorized to raise. Estimate of cost to be made before borrowing.

SEC. 5. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the board of public works. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by such board. Provide as to repairs.

SEC. 6. The board of public works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, which rates Connecting pipes to be made at owner's expense.

shall be approved by the council and shall be appropriate to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

Council may provide for care, control, etc., of water-works and fixtures.

SEC. 7. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the water-works and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such water-works.

May purchase and maintain beyond corporate limits.

SEC. 8. When the council shall deem it for the public interest, such water-works may be purchased, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such water-works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Right of city to lay pipes.

SEC. 9. For the purpose of operating, constructing, maintaining or extending such water-works, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water-course, or under and along any street, alley, lane, turnpike, road, railroad or highway within such city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

Not to obstruct use of streets.

Streets to be repaired.

How private property for water-works acquired.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of water-works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

SEC. 11. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such city and the inhabitants thereof with water upon such terms and conditions as may be agreed, and may grant to such person, persons or corporation, the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of such city and the inhabitants thereof upon such terms and conditions as shall be specified in such contracts.

City may contract with company for supplying water.

CHAPTER XXVII.

LIGHTING.

SECTION 1. It shall be lawful for any city incorporated or reincorporated under the provisions of this act to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water-works of such city, either within or without the city, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

City may own lighting plant.

SEC. 2. Whenever the council of any city shall, by resolution, declare that it is expedient for such city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Council to declare by resolution as to necessity of lighting plant.

SEC. 3. In case the council shall declare that it is expedient for such city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with electric or other lights, then the council shall direct the board of public works to cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

Board of public works to make estimate of expenses.

Raising money to be voted on by electors.

SEC. 4. It shall be lawful for any such city to borrow any sum of money not exceeding five per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining

Money may be borrowed.

Payment of.	such lighting works as provided in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: <i>Provided</i> , That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section three of this chapter.
Limit of amount.	
Money for repairs.	SEC. 5. After lighting works have been purchased or constructed as aforesaid, in such city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be so raised in any one year shall be included in and shall not increase the total amount which by the provisions of section five of chapter thirty of this act the council is authorized to raise.
Limit of.	
Rates for lighting.	SEC. 6. The board of public works subject to the approval of the council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights and shall annually on the first Monday in June fix such rates for the year next ensuing.
How private property for lighting work acquired.	SEC. 7. If it shall be necessary in the judgment of the council to appropriate private property either within or without the city for the construction and maintenance or for the due operation of lighting works the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.
City may contract with company for supplying light.	SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years with any person or persons, or with any duly authorized corporation, for the supplying of such city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.
Council to enact ordinances concerning lighting plant.	SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the

powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XXVIII.

BOARD OF PUBLIC WORKS.

SECTION 1. There shall be created and constituted in every city, subject to the provisions of this act, a board of public works composed of five members who shall be free-holders and electors of the city, and shall serve without compensation. Such board shall, as near as may be, be non-partisan, no more than three members to be appointed from any one political party, and shall be appointed by the mayor, by and with the consent of the council. At the first appointment of the members of said board, which shall be within thirty days after the incorporation or reincorporation of any city subject to the provisions of this act, one member shall be appointed for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years from the first Monday of May next thereafter, and on the first Monday of May of each year thereafter one member shall be appointed for the term of five years unless otherwise provided in this act.

Number of members on board of public works.

Board to be non-partisan.

Term of office of members first appointed.

SEC. 2. Said board shall, within ten days after their first appointment and annually thereafter during the month of May, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be *ex officio* clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records, accounts and papers.

Election of president.

City clerk to be clerk of board.

SEC. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

Powers and duties of board.

First, The construction, management, supervision and control of such water-works as are or shall be owned by the city;

Water-works.

Second, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city;

Lighting plant.

Third, The management and supervision of the sewers, sewerage system and drainage of such city, and of the construction thereof.

Sewerage system.

Fourth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control.

Other works.

SEC. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may

Board to adopt by-laws and rules.

deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act.

Contracts under \$200 to be done as board directs.

Over \$200 plans to be submitted to council.

Over \$500 to be done by bids.

Board to report work done to council.
Payment of money on account of.

Annual report of board.

Board to submit estimate of expenses for each ensuing year.

SEC. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of two hundred dollars, the work shall be done by such board in such manner as they may deem proper; but whenever such expense shall exceed the sum of two hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract, or otherwise in such manner as they may deem proper: *Provided*, That if the expense shall exceed the sum of five hundred dollars, the board shall advertise for sealed proposals, and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work and give adequate security for the performance thereof, which contract and security shall be approved by the council.

SEC. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by such board shall first be submitted to and approved by the said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in April of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

SEC. 7. On or before the first Monday of September in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water-works fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

SEC. 8. The board of public works shall on the first Monday of each month pay into the city treasury to the credit of the water, light, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk, who shall report the filing of such statement and receipt to the council.

Money received on account of water, light or sewer fund to be paid to treasurer.

SEC. 9. The board of public works may provide when and to whom all water and light rates, and other moneys collectible by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that such water, light or sewerage connection be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in any court of competent jurisdiction.

Provisions as to payment of water and light rates.

SEC. 10. The board of public works is hereby empowered, subject to the approval of the council, to employ all necessary officers, agents and employés that they may deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council, to fix the salaries and compensation of such employés.

Power of board to employ officers.

CHAPTER XXIX.

FIRE DEPARTMENT.

SECTION 1. The council of any city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen and officers.

Organization of fire department.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Fire engines and apparatus.

Water supply.

Buildings for department.	SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.
Chief of department.	SEC. 4. The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.
Assistants.	
Chief may command assistance at fires.	SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.
Penalty for disobedience.	
Fire wardens.	SEC. 6. The council may provide by ordinance for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.
Duties of.	
Fire limits.	SEC. 7. The council may prescribe by ordinance, from time to time, limits of districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners or occupants thereof to construct and maintain the same.
Fire escapes on buildings.	
Regulation of certain trades.	SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.
Combustible substances.	
Lights in buildings.	

SEC. 9. Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Building in violation of fire ordinances a nuisance.

SEC. 10. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Compensation of officers of department.

Injury to firemen.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury, either by the city or any claimant.

Buildings may be pulled down at fires.

Payment of damages for.

How damages to be settled.

SEC. 12. The council of any city located upon any of the navigable waters of the State may, by ordinance, prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

Council may enact ordinances to prevent fires from water craft in harbors.

CHAPTER XXX.

FINANCE AND TAXATION.

Fiscal year when
to begin.

SECTION 1. The fiscal year of cities subject to the provisions of this act shall commence on the first Monday of March in each year: *Provided*, That whenever the fiscal year of any such city shall close at any time previous to the first Monday of March next after this act shall take effect, the then current fiscal year shall continue until the first Monday in March following.

Council has
power to impose
taxes.

SEC. 2. The council of any such city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.

Moneys to be di-
vided into funds.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax shall be divided into so many of the following general funds as are necessary;

Contingent
fund.

First, Contingent fund,—to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Fire department
fund.

Second, Fire department fund,—to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

General street
fund.

Third, General street fund,—to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and clearing the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and cross-walks, and for the care thereof;

General sewer
fund.

Fourth, General sewer fund,—to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water-courses;

Bridge fund.

Fifth, Bridge fund,—for the construction and maintenance of bridges;

Water fund.

Sixth, Water fund,—for maintaining and extending a system of water-works and for constructing reservoirs and cisterns, and providing other supplies of water;

Public building
fund.

Seventh, Public building fund,—for providing for public buildings, and for the purchase of lands therefor, and for the erection, preservation and repair of any such public buildings, city hall, offices, prisons, watch-houses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Police fund.

Eighth, Police fund,—for the maintenance of the police of the city, and to defray the expenses of the arrest and

punishment of those violating the ordinances of the city;

Ninth, Cemetery fund;

Cemetery fund.

Tenth, Interest and sinking fund,—for the payment of the public debt of the city and the interest thereon;

Interest and sinking fund.

Eleventh, Park fund,—for the purchase of grounds for public parks and the maintenance and improvement thereof;

Park fund.

Twelfth, Light fund,—for the construction, purchase and maintenance of electric or other lights;

Light fund.

Thirteenth, Such other funds as the council may from time to time constitute.

Other funds.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Special funds.

First, A street district fund, for each street district,—for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses, which the council shall charge upon the street district;

Street district fund.

Second, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Sewer district fund.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Special assessment fund.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in one year, one and one-fourth per cent.

Limit of taxation by general tax.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Limit of street district tax.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading, paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted,

Limit of special assessment.

such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Tax on premises for private sewer.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Limit of tax for sinking fund.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

When council to cause estimates to be made for annual expenses.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

Council to determine amount to be raised by general tax.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they require to be levied or reassessed in the next general tax rolls of the city upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

When council to pass annual appropriation bill.

SEC. 12. The council shall also in the said month of September pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loans, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised, by tax or loan, or

by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this chapter, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed with the next general tax as mentioned in section eleven of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Council shall specify purposes of appropriation.

SEC. 13. All sums ordered in the annual appropriation bill, in any year, to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools, library and schoolhouse purposes, as provided in chapter thirty-two of this act, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October. And all sums ordered in said bill to be levied or reassessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the respective wards, as provided in chapter twenty-four; and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied within the city.

When sums to be certified to clerk of board of supervisors.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a two-thirds vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from borrowing the money therefor.

No further sums to be used or appropriated after the passage of annual bill.

Council may make necessary repairs to certain amount.

SEC. 15. No improvement, work, repairs or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropri-

Not to make improvements, etc., without appropriation.

ation bill, nor shall any expenditure be made or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general, or street district fund, for any purpose, unless appropriated for that purpose in said bill.

Limit of im-
provements to be
paid by special
assessment.

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered commenced or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Improvement
not to be com-
menced until tax
is levied.

SEC. 17. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of bonds issued in anticipation of the collection of said tax.

Council may
raise part by tax
and part by
loan.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*. That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

Council may
make loans in
anticipation of
special assess-
ments.

SEC. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Limit to be
raised for im-
provements may
be increased by
vote of two
thirds of elect-
ors.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds of the electors voting upon the question at an annual city election or special election called for such purpose. The amount that may be voted or raised in any year under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

Amount not to
exceed two per
cent.

How proposition
to be submitted
to electors.

SEC. 21. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordi-

nance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed, and published in one or more of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

SEC. 22. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Moneys to be applied to purpose for which raised.

SEC. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

Money to be drawn only by order of council on warrant of clerk specifying fund.

SEC. 24. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Warrant shall not be drawn after fund is exhausted.

SEC. 25. No loans shall be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

When so drawn is void.

Loans shall not be made exceeding limit.

Bonds may be issued for lawful loans.

Record to be kept by clerk.

New bonds may be issued to take up old ones when necessary.

Each bond to show from what fund payable.

Council to audit accounts of city treasurer and claims against the city.

Council to make statement of all accounts showing taxes raised, how expended, etc.

Statement to be filed with city clerk.

Penalty for misappropriating corporation funds.

When bonds shall be made payable.

SEC. 26. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

SEC. 27. Said statement, signed by the mayor and clerk shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city.

SEC. 28. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

SEC. 29. Every bond issued by any city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be

deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

Penalty for
altering bonds.

CHAPTER XXXI.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisors of every city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships, performing like services, and in all other respects within their respective wards, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof: *Provided*, That any city now incorporated, and which shall become reincorporated under this act, now having an assessor for the assessment of property and the levying of taxes, such city may retain its present method of assessing property and levying taxes, and such assessor in office at the time this act shall take effect, shall remain in office until the expiration of the term for which he was appointed or elected and until his successor shall have been appointed and qualified. The council of any city reincorporated under the provisions of this act may by ordinance provide for the appointment by the council upon the recommendation of the mayor, a city assessor who shall hold his office for one year from and after the first Monday in March of the year in which he shall have been appointed, and such appointment shall be made as aforesaid on or before the second Monday in April in each year. Such assessor shall make an assessment of all real and personal property within such city in the same manner, and have the same powers, and perform the same duties touching the assessment of such property and the levying of such taxes as are performed by supervisors in townships in such matters, which powers shall be exercised and duties shall be performed by such assessor instead of being executed and performed by the supervisor of the several wards in any such city as hereinbefore provided. Such assessor shall make his assess-

Assessment and
collection of
taxes by super-
visors.

Proviso as to
assessor.

When council
may appoint city
assessor.

Term of office.

Duty of assessor
in making the
assessment.

ments of all such property in a single roll and in the making of such assessment and in the levying of taxes such city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

When supervisor may assess persons claiming residence elsewhere.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Upon showing tax receipt persons assessed may be exempted.

Personal property to be assessed where found.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Board of supervisors to meet and equalize assessment.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just.

Supervisors and mayor to constitute board of equalization and review.

SEC. 5. The supervisors of the several wards, the mayor and the city attorney, shall constitute a board of equalization and review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion or on cause shown, may reduce or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such mem-

To examine assessment roll, and correct errors.

bers of said board shall receive two dollars per day while actually employed. If on such examination they shall deem the valuation of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any such ward shall be so stated in the certificate attached to the assessment roll of such ward; and all taxes for State, county, school, general city and sewer purposes shall be apportioned according to said equalization, in the manner hereinbefore provided, and said equalization shall not be changed with regard to the relative valuation of the several wards of said city, and the board of supervisors of the county in which such city is located shall equalize such city as a unit the same as a township is equalized, and any amount added to or deducted from the total valuation of such city as a unit, shall be apportioned by the clerk of the board of supervisors among the several wards according to the equalized valuation of the real property in each ward as fixed by the city board of review.

May equalize the assessment.

Amount deducted or added to assessment roll to be so stated in certificate.

Board of supervisors to equalize city the same as townships are equalized.

SEC. 6. The said board shall meet on the third Monday in May in each year, at the council rooms in such city, at nine o'clock in the forenoon, at which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time and place the several supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and shall continue in session at least four days successively, and as much longer as may be necessary to complete the review, and at least six hours in each day, during said four days or more; and any person or persons desiring so to do, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed and the said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the total valuation in each ward shall be entered upon such record, which record shall be deposited with the city clerk who shall be clerk of said board. The decision of a majority of the members of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said

Meeting of board of review.

Notice to be published in newspaper.

Select chairman.

May examine persons as to assessment under oath.

Decision of a majority of board to govern.

Board to have same power as boards of review in townships.

board shall have the same power and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, the clerk shall endorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the ward to which it applies for the year in which it has been prepared, as approved by the board of review. Such statement may be in the following form [viz.], namely.

STATE OF MICHIGAN, } ss.
CITY OF.....,

Form of statement.

"I hereby certify that the board of review and equalization of the city of have reviewed, equalized and corrected the within assessment roll, and have deducted (or added, as the case may be).....dollars from (or to, as the case may be), the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be dollars, and the total value of the personal estate to be dollars for the year A. D.

Dated.....

Clerk of the Board of Review.

When roll is completed to be returned to supervisors.

Upon the completion of such rolls, and their endorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

Supervisor to deliver certified copy of assessment roll to city clerk.

SEC. 7. Within sixty days after the confirmation of such rolls, as above provided, each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

City clerk shall certify to county clerk the aggregate amount to be raised by tax.

SEC. 8. On or before the first Monday of October in each year, the city clerk shall certify to the county clerk of the county in which the city is located the aggregate amount of all sums which the council require to be raised for the next fiscal year for all city purposes, and for schools and library and schoolhouse purposes, by general taxation upon all the taxable property of the whole city.

Purposes.

Board of supervisors of county to apportion the amount of taxes among the several wards of city.

SEC. 9. The board of supervisors of the county in which such city is located shall apportion the amounts to be raised as mentioned in the preceding section among the wards of the city, according to the equalized valuation of the property appearing upon the certificate of the several assessment rolls of the city for such year, as finally

equalized by the board of supervisors, and the clerk of said board shall certify to the supervisor of each ward for assessment therein, the amount so apportioned to his ward; giving the amount apportioned for school, library and schoolhouse purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several wards of the city, as aforesaid.

Clerk of board to certify to city clerk amount apportioned.

SEC. 10. On or before the first day of October in each year, the city shall certify to the supervisor of each ward for the assessment therein, all amounts which the council require to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise within his district, together with a designation of the district, or description of the land or person upon whom or within which the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and persons chargeable therewith.

City to certify to supervisor of each ward amounts assessed for the different purposes.

SEC. 11. Each supervisor, at the time of levying State and county taxes in his ward for the year, shall levy in the same roll, upon all the taxable property in the ward the amounts certified to him by the clerk of the board of supervisors, as provided in section nine of this chapter, to be raised for city, school and library purposes, placing the city taxes in one column; and the school, library and schoolhouse taxes in another column, and he shall also levy, in the same roll, upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section ten of this chapter, or in chapter thirty of this act, for assessment or reassessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

Supervisor to levy in roll the amount certified for school and library purposes.

Special assessments to be in separate columns.

SEC. 12. Each supervisor upon completing his roll shall certify to the city clerk the amounts of taxes levied in the roll for State and county purposes, and for city and school taxes, special assessments and other purposes, and for collection fees; and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, each supervisor shall deliver

Upon completion of roll supervisor to certify to city clerk amount of taxes levied for State, county and other purposes. Bond of city treasurer.

The warrants annexed to each roll to state amount to be paid into city and county treasuries.	a certified copy of the tax roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.
Fees for collection of taxes.	SEC. 13. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names (remitting upon all taxes paid before the tenth day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the first day of March then next ensuing), and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.
Taxes to remain a lien on lands until paid.	SEC. 14. All taxes levied in any ward tax roll, shall be and remain a lien upon the lands upon which they are levied until paid.
City treasurer to give notice to taxpayers for payment of taxes.	SEC. 15. Upon receiving the several ward tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing without any charge for collection; but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said tenth day of January. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such times, previous to the said tenth day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said tenth day of January, but in all other cases he shall collect both the tax and the percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the contingent fund.
Fees for collection of taxes.	SEC. 16. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.
Notice to be published in newspapers.	
When collection fees to be remitted.	
Manner of collecting unpaid taxes after tenth day of January.	

SEC. 17. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city collector may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner and all the provisions of law applicable to suits and evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

County treasurer may issue new warrants to city treasurer for collection of taxes.

City collector may commence suits for the collection of taxes.

SEC. 18. For the purpose of assessing and levying taxes in any city incorporated under this act, for State, county, school and library purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

For the purpose of collecting taxes, each ward to be considered as a township.

City treasurer to perform the same duties as township treasurers.

SEC. 19. The city treasurer shall, within one week after the time specified and directed in the warrants annexed to said several tax rolls, pay to the county treasurer the sums required in said warrants to be so paid either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Payment of moneys collected to county treasurer.

SEC. 20. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in any ward of the city, and be returned as delinquent to the county treasurer and the ward, in respect to taxes levied therein and returned to the county treasurer, as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in any ward of the city except as herein otherwise provided.

City same as a township in respect to delinquent taxes.

CHAPTER XXXII.

EDUCATION.

SECTION 1. Each city incorporated under this act shall constitute a single school district. Such school district shall be a body corporate, by the name and style of the

City constitutes one school district.

Proviso as to
school district
extending be-
yond city limits.

“Public schools of the city of ——” (naming the city) and shall possess the usual powers of corporations for public purposes; and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this chapter: *Provided*, That if in any city reincorporated under and made subject to the provisions of this act, there shall be a school district extending beyond the city limits, or having a special charter, then such school district shall not be governed by the provisions of this chapter, but all of the laws and regulations now governing such district shall remain in full force and effect the same as if such city had not been reincorporated.

First election of
members of
board of educa-
tion.

SEC. 2. The board of education of such public schools shall consist of six trustees, who shall be qualified electors of the school district, and the regular annual election of school trustees shall be held on the first Tuesday of September of each year. At the first election held under this act two trustees shall be elected for the term of one year, two for the term of two years, and two for the term of three years from the first Tuesday of September of such year, and the term for which each trustee is elected shall be designated on the ballot cast for him. Annually thereafter two trustees shall be elected for a term of three years from and after the first Tuesday of September of the year when elected and until their successors are qualified and enter upon the duties of their offices.

Annual election
of trustees.

Manner of con-
ducting annual
election of trust-
ees.

SEC. 3. Such annual election of school trustees as above provided shall be held at such place in said city as the board of education shall designate. The polls shall be opened at nine o'clock in the forenoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding such election shall be given by the secretary of the board, at least ten days before said election, by posting such notices in three of the most public places in each ward of the city and by publishing a copy thereof in one or more newspapers published in the city, [the same length of time before the election.

Board of inspect-
ors of election,
who to consti-
tute.

SEC. 4. The president and secretary of the board of education and one other trustee, to be designated by the board, shall constitute a board of inspectors of such election, and if any of said three trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose *viva voce* such number of such electors as with the trustee or trustees present shall constitute a board of three inspectors of such

election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the board of inspectors; in his absence the inspectors shall elect one of their number as such chairman. Every person shall be entitled to vote at such election who is a qualified voter of the city and qualified by the laws of the State to vote at any election for school officers. The board of inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such elections and during the canvass of the votes as are conferred by the general laws of the State upon school officers in similar cases.

Chairman of.

SEC. 5. The board of inspectors shall make a poll list of the names of persons voting at such election. They shall also have the right of access to the registration books of the several wards of the city, if they deem it necessary, and for that purpose they may require the city clerk to attend said election with such registers.

Poll list of names of persons voting.

SEC. 6. When said polls shall be finally closed, the board of inspectors shall proceed publicly to count, determine and declare the number of votes cast and for whom, and shall on the same or on the next succeeding day make up and sign a statement in writing showing the whole number of votes cast and the number of votes cast for each person for whom votes were cast; which statement, together with the minutes and other papers of the election, shall be filed with the secretary of the board of education. The person or persons who shall have received the highest number of votes for such office of trustee for the several terms designated upon the ballot shall be declared elected by the board of trustees, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, the said board of trustees shall choose one of such persons by lot, as such trustee. The ballots shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee, under the provisions of this act shall, within five days after he has been declared elected, qualify, by taking and subscribing the required oath of office and file the same with the secretary of the board of education.

Canvass of votes and deposit of statement.

Board to determine persons elected.

Tie to be determined by lot.

Oath of office.

SEC. 7. The board of education shall pay all the expenses of such election from the contingent fund of the district, and shall allow each inspector of election the same compensation as is allowed to inspectors at city elections.

Expense of election, how paid.

SEC. 8. At the first regular meeting of the board after each annual election, the board shall elect from their own number a president, and they shall also at such time

Officers of board to be elected at first regular meeting.

elect a secretary, who may or may not be a member of the board, and whose duty shall be fixed and prescribed by the board: *Provided*, That whenever a secretary shall be elected who is not a member of the board, he shall have no vote therein. They shall meet from time to time, as they may determine for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be the treasurer of the public schools, as hereinbefore in this act provided.

Board to have control and management of property.

Schools of the district shall be public and free to children between the ages of five and twenty years.

Board of education shall employ superintendent and teachers.

To prescribe the course of study and determine rate of charges for instruction.

Board to maintain a district library.

Proviso as to free public libraries of cities.

SEC. 9. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized, or that may be organized therein. They shall establish and maintain such primary and graded schools as the public interests may require; and when deemed expedient shall establish a high school for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city; and shall be taught for such length of time, at least, during each year as is or may be required by law in respect to school districts having a like number of children of the ages aforesaid.

SEC. 10. The board of education shall appoint and employ a superintendent, and the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued, the books to be used, classify the pupils as may be expedient, and provide the necessary apparatus and facilities for instruction, determine the rate of charges for instruction to pupils not resident in the city, make all regulations necessary or required for the examination of teachers, determine the length of time the schools shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

SEC. 11. Said board shall maintain a district library, and may apply to the purchase of books therefor in addition to the amount received on account of fines and forfeitures such sum annually as they may deem expedient. If in any city reincorporated under and made subject to the provisions of this act there shall be a public library belonging to such city then the council of such city may transfer such library to the public schools of such city to be thereafter owned and maintained by the board of trustees of such school district: *Provided*, That in all cities where a free public library and reading room has heretofore been organized, under any general law of the State, such free public library and reading room may be continued under such law with all the rights, privileges and immunities appertaining thereto as at present enjoyed, however the same may be derived, anything herein contained to the contrary thereof notwithstanding.

SEC. 12. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for schoolhouses in the district as may be necessary, and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable schoolhouses and buildings for the use of the public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools; and may sell and dispose of any lands and property of the district when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district; and the council shall also pass all necessary ordinances for that purpose.

Board to establish sites for schoolhouses.

SEC. 13. The board shall cause a census to be taken annually of all the children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties the city shall be considered the same as a township, and said board shall be entitled to receive from the county treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries.

Census of school children.

Distribution of primary school funds.

SEC. 14. The board shall, during the last week of the month of August in each year, publish in some newspaper in the city a statement of the number of schools in the city, the number of teachers employed, and of the pupils instructed therein during the preceding year, and the branches of education pursued in such schools, and at the same time make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year and the amount of indebtedness outstanding and to whom payable; and also the estimates required to be made, as in the next section mentioned of the expenditures for grounds and buildings and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board.

Annual report of board and manner of publishing same.

SEC. 15. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, and the payment

Board to estimate and report amounts to be raised in addition to other school funds for entire support of schools.

of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which sum so reported the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes thereafter to be raised: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest thereon incurred for grounds and buildings shall not exceed one-half of one per cent; and the amount for the support of the schools and for all the other purposes above mentioned shall not exceed one and one-fourth per cent on the dollar of the taxable valuation of the real and personal property in the city as shown by the tax roll of the preceding year.

Limit of such estimate.

Board may borrow from time to time in anticipation of the collection of taxes levied.

Additional sum may be raised by tax or loan.

Board may issue bonds for any sums borrowed.

Treasurer to give bonds.

School and library moneys to be deposited with treasurer of public schools.

SEC. 16. For the payment of current expenses, the board may borrow, from time to time, in anticipation of the collection of taxes levied, or herein authorized to be levied, during the same year for school purposes, such sum not exceeding twenty-five per cent of the tax, to be paid therefrom as they may deem expedient. Should any greater sum be required in any one year for the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes than can be raised under the provisions of the foregoing sections, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the qualified electors of the district present at any general meeting or at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in the city at least ten days before the meeting. For any sums borrowed and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

SEC. 17. The treasurer shall give bond to the public schools of the city, in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. Any officer or

person paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

SEC. 18. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine; otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Compensation of secretary.

Members of board not to be interested in contracts.

SEC. 19. All the school buildings, property and effects situated within any city at the time of its incorporation under this act shall, upon such incorporation, be vested in, and be the property of the district hereby designated as the public schools of the city; and all the debts and liabilities of any school district within the territory incorporated as a school district by this act shall be the debt of, and be paid by, the district as herein constituted; and any suit pending against any such former school district shall be continued to judgment. Any tax levied and uncollected in any such former district shall be collected and enforced in the same manner as if such new incorporation had not taken place.

School property of city incorporated by this act to be property of school district.

SEC. 20. All resignations of trustees shall be made to the board of education, subject to their approval and acceptance. The board shall have power to fill any vacancies that may occur in their number until the next annual election.

Resignations of trustees shall be made to board of education.

CHAPTER XXXIII.

MISCELLANEOUS.

SECTION 1. All cities heretofore incorporated under any general or special law of this State, and having a population of ten thousand or less, according to the last preceding State census, are hereby reincorporated under and made subject to the provisions of this act, as cities of the fourth class, such reincorporation to take effect on the first day of January, in the year of our Lord, one thousand eight hundred ninety-six, and all acts by virtue of which such cities have been incorporated are hereby repealed from and after the said first day of January, in the year of our Lord, one thousand eight hundred ninety-six, except as hereinafter in this section provided: *Provided, however,* That whenever fifty or more of the qualified voters of any city hereinbefore described as a city of the fourth class, which has been incorporated under a special act of the legislature, shall file with the council thereof on or before the first day of November, in the year of our Lord one thousand eight hundred ninety-five, a petition praying that an election of the qualified voters of such city be called to determine the question as to whether such city shall remain incorporated under the special act under which it was

Certain cities incorporated by this act.

Election may be called to decide incorporation under this act.

Council to designate time and place for holding election.

Notice of election.

New registration not necessary.

incorporated and by which it is governed at the time of the filing of such petition, or whether it shall become subject to the provisions of this act, thereupon it shall be the duty of such council, within ten days after the filing of such petition, to call a special election of the qualified voters of such city to determine such question. Such election shall be held upon such day and at such time and in such places in said city as may be designated by a resolution of the council: *Provided*, That the same shall be held on or before the first day of December, in the year of our Lord one thousand eight hundred ninety-five. Notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of such city for the calling of special elections, and the votes shall be counted and canvassed, and the returns shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes, and the determining of the result thereof at special elections. No new registration shall be necessary for the holding of such election, and only those whose names shall appear in the registration books used at the next previous annual city election shall be entitled to vote at such election. If a majority of all the votes cast at such election are in favor of remaining incorporated under such special act by which such city is governed at the time of the filing of such petition then such city shall not be reincorporated under the provisions of this act, but shall remain incorporated under such special act which shall remain in full force and effect as if this law had not been enacted. If a majority of the votes cast at such election shall be in favor of reincorporating under the provisions of this act, then such city shall become reincorporated under and made subject to the provisions of this act on the first day of January, in the year of our Lord, one thousand eight hundred ninety-six, the same as if no special election had been held. The ballots used at such election shall contain the instructions required by the general election laws of the State, and the proposition to be submitted shall be in the following language:

For becoming reincorporated under the general law... Yes. **B**
 For becoming reincorporated under the general law.... No. **B**

If a majority of the qualified voters of any city elect to remain incorporated under the special act governing such city, then such city may at any time thereafter be incorporated under and made subject to the provisions of this act as a city of the fourth class by special act of the legislature.

Incorporation under this act not to affect rights under former incorporation.

SEC. 2. All cities reincorporated under and made subject to the provisions of this act as provided in the preceding section shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belong-

ing to such cities as formerly incorporated and no rights or liabilities either in favor of or against such former corporation, existing at the time of its reincorporation under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different remedy is given in this act which can be made applicable to any rights existing at the time of the incorporation of the city under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Remedies under this act to be deemed cumulative.

SEC. 3. All the officers in any such city, elected or appointed under the provisions of the former act of incorporation of such city, and in office at the time of such reincorporation under this act, shall continue to exercise their respective functions under the provisions of this act of reincorporation for the full term for which they were so elected or appointed, and until their successors shall have qualified and entered upon the duties of their office, unless herein otherwise provided.

Term of office or officers not to be affected by incorporation under this act.

SEC. 4. The by-laws and ordinances of any such city and the rules and regulations of the council, and of the board of health or other board or boards of such city heretofore in force and not inconsistent with this act shall remain in force after the passage of this act and are hereby declared to be reenacted by virtue of and under the powers conferred by this act until altered amended or repealed by the council or such board as the case may be.

By-laws and ordinances to remain in force.

SEC. 5. In cases where a special assessment has been made by authority of and confirmed by the council of any such city, and the same or some part thereof shall not have been collected when this act shall take effect such city, as hereby reincorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as are provided in this act.

Special assessments to remain in force.

SEC. 6. All licenses granted by any such city under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

Licenses to remain in force.

SEC. 7. The first election of officers for any such city reincorporated under the provisions of this act shall be held on the first Monday in April, in the year of our Lord, one thousand eight hundred and ninety-six, and notice thereof and of the officers to be elected thereat shall be given and the election held and conducted, the votes canvassed, the result determined and notice given to

First election of officers incorporated under this act.

persons elected in the same manner and within the same time as herein provided.

Service of process against city.

SEC. 8. All process against any city incorporated under or made subject to the provisions of this act shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at such time and manner as may be provided by law.

Platting of lands.

Survey to be filed with city clerk.

SEC. 9. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within any such city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds of the county in which such city is located until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution as in this act provided.

To be certified by city clerk before filing with register of deeds.

Approval by city not to create responsibility.

Term "city" defined.

SEC. 10. The term "city," whenever used in this act, shall be construed to mean a city incorporated under this act, or made subject to its provisions.

City not to own stock of incorporated company.

SEC. 11. No such city shall become the owner or holder of stock or shares in any incorporated company.

Affidavit as to publication of notices.

SEC. 12. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be made by publication, or by the person posting the same, when required to be by posting, shall be *prima facie* evidence of the facts therein contained: *Provided*, The same shall be filed with the city clerk within six months from the date of the last publication thereof, or of posting the same.

To be filed with city clerk.

Payment of judgments against city.

SEC. 13. Whenever any judgment or decree of any court shall be rendered or decreed against any city, and such city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of such city to issue the bonds of such city to an amount not exceeding the sum of such judgment or

Bonds may be issued.

decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said council.

Rate of interest.

SEC. 14. Whenever any city of the fourth class shall have a population of more than ten thousand according to the last preceding federal or State census, then such city shall be reincorporated as a city of the third class at the time and in the manner provided by law for the incorporation of cities of the third class.

When fourth class cities to be incorporated under this act.

SEC. 15. All acts or parts of acts in any manner conflicting with the provisions of this act are hereby repealed.

Repealing clause.

Approved May 27, 1895.

[No. 216.]

AN ACT regulating the bringing of actions for, and limiting damages for libel and slander in respect to feelings, and providing for separate awards by juries in such actions.

SECTION 1. *The People of the State of Michigan enact,* That in suits brought for the recovery of damages for libel or slander in this State, the plaintiff shall be entitled to recover only such actual damages as he may have suffered in respect to his property, business, trade, profession, occupation or feelings.

Amount of damages plaintiff may recover.

SEC. 2. That in awarding damages to the plaintiff in any suit brought for the recovery of damages for libel or slander in this State, the jury shall in all cases specify the amount awarded for damages to feelings separately from the amount awarded for other damages mentioned in the foregoing section.

Jury to specify amount awarded for damages to feelings separately.

SEC. 3. No exemplary or punitive damages shall be recovered unless the plaintiff shall before bringing suit give notice by mail or otherwise to the defendant to publish a retraction of the libel, and allow the defendant a reasonable time in which to publish such retraction, and make such amends as are reasonable and possible under the circumstances of the case; and proof of the publication or correction shall be admissible in evidence under the general issue on the question of the good faith of the defendant, and in mitigation and reduction of exemplary or punitive damages: *Provided,* That the retraction shall be published in the same type and in the same

Notice to retract libel and publish same.

proviso as to publication of retraction.

editions of the paper as the original libel, and so far as practicable in the same position.

Acts repealed.

SEC. 4. Acts numbered two hundred thirty-three of the session laws of eighteen hundred eighty-five, approved June twentieth, eighteen hundred eighty-five, and two hundred twenty-nine of the session laws of eighteen hundred eighty-nine, approved July first, eighteen hundred eighty-nine, relative to actions for libel, being sections seventy-seven hundred eighty-two *a*, seventy-seven hundred eighty-two *b*, seventy-seven hundred eighty-two *c*, seventy-seven hundred eighty-two *d*, and seventy-seven hundred eighty-two *e*, respectively, of third Howell's annotated statutes, and all other acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved May 27, 1895.

[No. 217.]

AN ACT to amend sections six, seven and eight of chapter two; sections one, five, six, seven, eight, nine and seventeen, and to repeal section twenty of chapter three; to amend sections two and eight of chapter six, of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections six, seven and eight of chapter two; sections one, five, six, seven, eight, nine and seventeen of chapter three; sections two and eight of chapter six, of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," be and the same are hereby amended so as to read as hereinafter set forth, and that section twenty of chapter three be and hereby is repealed.

Section repealed.

CHAPTER II.

Commissioner to keep a financial statement.
Record of drain.

SEC. 6. It shall be the duty of each county and township drain commissioner to make and keep a full financial statement of each drain laid out by him. The county drain commissioner shall also make and keep in his office in a book to be provided for that purpose, a complete record of each drain laid out or applied for under his supervision, under the provisions of this act, which record

shall include a copy of the application for the laying out of the drain, of the minutes of the survey, of the release of the right of way where the same has been released, together with the minutes of his doings, of his orders of determination of necessity, and of establishing the drain, and his assessments of benefits, and where special commissioners or a jury have been called it shall also contain a copy of the application to the probate court, of the return of the special commissioners or jury as the case may be, and of all other papers in his office necessary to show a complete history of each drain, all of which said original papers shall then be deposited and filed in the office of the county clerk.

Original papers to be deposited in office of county clerk.

SEC. 7. The township drain commissioners shall file all such papers as above specified with the township clerk, whose duty it shall be to make and keep in his office a record of the same in the same manner as hereinbefore provided for the county drain commissioner, except that each township drain commissioner, shall personally keep the record of the financial statement of each drain, and no tax for the construction of a drain shall be spread upon the tax roll, until all the records thereof required to be made by such commissioner are filed with the clerk.

Township drain commissioners to file papers with township clerk.

Record of the same.

SEC. 8. Drain commissioners may take acknowledgments of releases of right of way and administer oaths in all proceedings in any way pertaining to drains under this act. A simple form of release of right of way and damages that shall set forth by reference to the survey of the drain, or by other convenient description, the particular land intended to be conveyed, and signed and acknowledged by the person having the right to convey, shall be deemed a sufficient conveyance under the provisions of this act. All releases for rights of way shall be deemed to include sufficient ground on either side of the center line thereof for the deposit of the excavations therefrom.

May take acknowledgments and administer oaths.

Release of right of way.

Sufficient conveyance.

Right of way to include what.

CHAPTER III.

SECTION 1. Before the commissioner takes any action toward locating or establishing any drain, there shall be filed with him an application, signed by not less than ten freeholders of the township or townships in which such drain or the lands to be drained thereby and to be assessed therefor may be situated; also that thirty per cent or more of said signers shall be owners of lands traversed by such drain, giving a general description of the beginning, the route and the terminus thereof. Such applicants shall be jointly and severally liable for all costs and expenses, in case the commissioner upon examination, or upon examination and survey, shall determine that the same is unnecessary or impracticable, or in case the proceedings shall be dismissed for other cause. If the

Application for drain.

Liability of applicants for cost.

Suit for cost. persons signing such application shall refuse to pay such costs and expenses, the commissioner shall bring suit in a court of competent jurisdiction and collect such costs and expenses, with costs of suits. If upon the presentation of such application the commissioner shall deem the financial responsibility of the petitioners insufficient, he shall have the right to return such application for additional signatures.

When commissioners shall institute condemnation proceedings. SEC. 5. If within twenty days after the making of such order of determination, as provided in section four of this chapter, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the commissioner shall, as soon as practicable, make application to the probate court of the county in which such lands are situated, for the appointment of three disinterested special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain, and for the taking of private property for the use and the benefit of the public, for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing, and shall set forth:

Applications to set forth what. *First,* The fact that an application for a drain was made, and, when filing with said court a certified copy of such application, also giving the route, survey and specifications of said drain as provided for in the order of determination;

Time order was made. *Second,* That an order determining the necessity for such drain was made by the commissioner, giving the time such order was made, in accordance with such route, survey and specifications as above set forth;

Description of lands. *Third,* (1) The several descriptions or tracts of land with the names of the owner or owners of every such tract who have refused or neglected to execute a release of right of way and damages in any way arising or incident to the opening or maintaining the said proposed drain; (2) the several descriptions or tracts of lands owned by any minor, idiot or person of unsound mind, unknown persons or non-residents of the township or townships, the execution of a release of right of way and damages for which have been neglected or refused; (3) it shall not be necessary to set forth in said application to the probate court the names of the several owners nor the descriptions of the several tracts or parcels of lands liable to an assessment for benefits, in case the drain applied for should be located and established, except those who have not released the right of way and through whose land the drain passes; nor shall the same be included in the citation issued from the probate court, but said description shall be posted and published as provided for in chapter four, section one of this act, before any assessment for benefits can be levied or collected. The said assessment for benefits shall be subject to review as provided for in chapter five of this act, also in act number

Assessments for benefits subject to review.

two hundred six of the public acts of eighteen hundred ninety-three, otherwise known as the general tax law. All provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five, as amended, contrary and not in accordance with this section, as hereby amended, are hereby repealed and set aside.

SEC. 6. The court to whom such application is made shall make an examination at the time of such application of all the proceedings of the commissioners, so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, who have not released the right of way and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted. If any person on whom such service is to be made is a minor, under the age of fourteen years, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as herein provided on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides. In case any person whose lands are traversed by said drain is an infant, idiot or person of unsound mind, and has no guardian, the said court, or the judge of said court shall appoint a special guardian to appear for and attend to the interests of such infant, idiot or person of unsound mind and all notices to be served in the progress of the proceeding may be served on such special guardian.

SEC. 7. The citation shall recite so much of the premises as will show jurisdiction, and in the case of resident owners who reside upon the premises traversed by said drain shall be addressed to such owners by name; in the case of non-resident owners, or owners not residing upon the lands traversed, it shall be addressed to the owner or owners of the several descriptions of land involved. It shall describe the drain by its commencement, terminus and general course, and shall set forth that lands owned by the persons to whom it is addressed will be crossed by such drain and will be subject to assessment for its construction, and that a description and survey of such drain is on file with the court issuing such citation. Such citation shall be personally served by the commissioner or some other competent person, upon every person whose lands are traversed by the said drain, who has not released the right of way and all damages on account thereof, and who resides on any land to be traversed by said drain, by delivering to him a copy thereof or by leaving the same at his residence with some person of suitable age and

Court to examine proceedings of commissioners.

Issue citation.

In case of minor, idiot, or person of unsound mind.

Citation to recite what, and to be addressed to whom.

Drain; how described. To set forth what.

Citation, how served, and upon whom.

Time to intervene between service and hearing.

How served upon townships, cities, State, railroad companies or other private corporations.

Non-resident lands, citation to be published.

Proviso as to resident who does not reside on lands traversed by drain.

In case of no occupant.

Court to whom application is made may adjourn to hear persons aggrieved.

When court may appoint special commissioners.

discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and day of hearing, and the court issuing such citation shall require proof of such service by affidavit showing the time, place and manner of such service. Citations shall be served upon a township by leaving a copy thereof with the supervisor of such township, or at his residence; upon cities by leaving a copy thereof with the mayor or clerk; upon the State by leaving a copy thereof with the prosecuting attorney of the county in which such lands are situated; upon railroad companies by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroad, and upon other corporations by serving the same upon the officer or person designated by law in cases of civil process. If any lands involved are owned by non-residents of the township or townships, or by residents who do not reside upon the premises traversed by said drain, a copy of the citation so far as it affects such lands, shall be published in some newspaper published and circulating in the county in which such lands are located for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all such parties. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in the case of personal service: *Provided*, That in the case of a resident of the township who does not reside upon the land traversed, the commissioner shall serve a copy upon the occupant of said premises, if any, in the manner above provided for personal service, but it shall not be necessary to name or designate an occupant in the citation or application. If there is no occupant, then the commissioner shall post a copy of said citation in some conspicuous place on said premises for at least ten days before the hearing. In case any owner of any land, wherever he may reside within the State shall receive personal service of the citation, then as to such owner it shall be not necessary to either publish such citation, post it on the premises or serve it upon the occupant.

SEC. 8. The court to whom such application is made shall at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication when required, proceed to hear all persons whose lands are traversed by said proposed drain, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts alleged therein, except the necessity of the drain, and the said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer set forth in said application, the said court shall make an order appointing three disinterested and competent resident freeholders of said county as

special commissioners to ascertain and determine the necessity for such drain and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way for such drain. Such court shall immediately upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter at which time such special commissioners shall meet the drain commissioner and other parties, who have not released the right of way, to consider the matters and things with respect to which they have been appointed, and the said court shall make public announcement thereof, and thereupon the proceeding shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case: *Provided*, That if it shall appear at such hearing that all parties have not been duly notified, the court may adjourn such hearing for a period sufficiently long to enable the commissioner to duly notify such parties in the manner heretofore provided, and it shall not be necessary to again notify the parties who have received legal notice in the first instance. The probate court may, in its discretion, allow the commissioner to amend his application at any time before the appointment of special commissioners: *Provided further*, That any person whose premises are traversed by the proposed drain, and whose damages on account thereof shall be twenty-five dollars or over, may, in writing, demand and have from such court at the time of hearing of said application a jury of twelve freeholders of said county to ascertain and determine the necessity for taking or using such lands, and to appraise and determine the damages and compensation to be allowed therefor. The demand of any one of the parties who have not released the right of way, for a jury, shall be deemed to be a demand for all, and if no jury be demanded on the part of any person who has not released the right of way before the appointment of special commissioners shall be made by such court, his or her right to the same shall be deemed to have been waived. Whenever such demand for such jury shall have been made, the court shall proceed in the same manner as is provided by law in case a jury is demanded for taking private property for the use of railroad companies, and all further proceedings had in the matter by such court and jury shall be in conformity with the provisions of law, as aforesaid so far as the same shall apply: *Provided*, That when such jury shall have made their report, and the same shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the drain commissioner. If any person shall demand a jury, and such

Time and place
of meeting of.

Provide as to
notice of hear-
ing.

Probate court
may allow com-
missioner to
amend applica-
tion.
Provided further
as to amount of
damages.

May demand a
jury.

Proceedings
when jury is
demanded.

Provide as to
report of jury.

When person demanding jury to pay costs.

Proceedings in case of homestead.

In case no jury is demanded, court to deliver to commissioner copy of order for special commissioners.

When special commissioners refuse to meet commissioner may adjourn meeting.

Other special commissioners to be appointed and take required oath.

To view premises to be taken.

jury shall not award the sum of twenty-five dollars or over to the person demanding such jury, as damages, the said party so demanding a jury shall pay all of the costs of the jury, judge, circuit court commissioner and officers in charge of such jury, which costs shall be determined by the judge of probate. The award of damages in such case shall be deducted from such costs, and the balance of such costs shall either be collected in an action at law by the commissioner against the party demanding such jury, or his sureties, if any, or spread upon the premises of such party affected by said drain, together with the assessment for benefits, if any. In case the land affected shall be homestead, owned by a married man whose wife is living, the wife shall join with the husband in the demand for the jury; and in case the wife shall not join, or in case the premises affected shall be encumbered, then such party demanding the jury shall give a bond to the commissioner in the sum of two hundred dollars, conditioned to pay such costs if the award of the jury shall not be at least twenty-five dollars, unless such jury shall decide such drain to be unnecessary, in which case the party demanding a jury or his sureties, shall not be liable on account of demanding such jury.

SEC. 9. If no demand for a jury shall be made, and the court shall have granted the prayer set forth in the application, such court shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioners shall notify such special commissioners of their appointment and the time and place they are required to meet with him and the other parties, who have not released the right of way for said proposed drain. In case such commissioners neglect or refuse to meet at such time and place with said drain commissioner, the said drain commissioner shall adjourn such day of meeting for a period not to exceed thirty days, and he shall give public notice by proclamation of the date, time and place of such adjourned meeting, and he shall, as soon as practicable, make application to the judge of probate, who shall appoint other special commissioners without further notice or citations. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor, the said commissioners with the drain commissioner, and the other parties in interest who may be present, who have not released the right of way for said proposed drain, shall meet at the time and place ordered by said court and proceed at that time, or at any time to which they may adjourn, to view such premises, and for such

purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

SEC. 17. Whenever it is necessary to run a drain across the right of way or road bed of any railroad, the same proceedings shall be had throughout in all respects, as in all cases provided in this act for obtaining private lands for the construction of drains, except as hereinafter provided. It shall be the duty of the railroad company, when notified by the commissioner so to do, to make and maintain the necessary opening through said road bed, and to build and maintain a suitable culvert. Notice in writing to make such opening, and to construct such culvert, shall be served upon such company by leaving a copy thereof with the ticket or freight agent, or general officer of such railroad company, at least thirty days before such railroad company shall become liable.

Proceedings when drain is to run across road-bed of railroad.

Notice to be in writing.

CHAPTER VI.

SEC. 2. The commissioner shall thereupon make a special assessment roll for such drain for each township, or each township and city affected thereby, which roll shall be designated "(giving the name)—Drain Special Assessment Roll," and he shall enter therein a correct description of all the tracts, parcels or subdivisions of land benefited by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent heretofore determined upon by him, or by the township board or city council, as the case may be. He shall also enter thereon the amount of the per cent apportioned to such township or townships, and any city, and shall add a certificate in writing of his determination, made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or two years. Such rolls shall be dated and signed by said commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships or of any city in which such lands may be located.

Commissioner to make out special assessment roll.

To enter amount apportioned to each township.

SEC. 8. All orders for the payment for services rendered and work performed, shall be drawn by the commissioner upon the drain fund of each particular drain. All orders for the payment for lands for right of way shall be paid on presentation out of the county or township treasury as the case may be, and for all other services rendered and expenses incurred, except contracts for construction, shall be paid out of the first year's taxes, and the balance of such first year's taxes, if any, shall be applied *pro rata* among the several contractors in payment of the contracts for the construction of such drain. For the balance due upon such contracts, the commissioner

Orders for payment of work done to be drawn by commissioner.

shall draw orders payable out of the second year's assessment. All orders drawn by township drain commissioners shall be countersigned by the township clerk, and all orders shall be drawn payable on the first day of March of the year in which the drain taxes for the payment thereof are required to be paid: *Provided*, That no commissioner shall draw orders payable in any one year for a larger amount than each year's assessment, but shall draw, as near as may be, to the exact amount assessed. All orders not paid when due, by reason of delinquency in the payment of such drain taxes, shall draw lawful interest from the date of maturity, said interest to be computed by the county or township treasurer, as the case may be, and to be paid with the principal out of the proper fund on which it was drawn, and out of no other fund, and such treasurer shall report to the drain commissioner the amount paid as interest on such orders. All accounts of drain commissioners for personal services shall be audited and allowed by the township board, or the board of supervisors, as the case may be.

Approved May 27, 1895.

To be countersigned by township clerk.

Proviso as to amount of orders drawn.

Accounts to be audited by township board.

[No. 218.]

AN ACT to authorize and regulate the paroling of convicts.

SECTION 1. *The People of the State of Michigan enact*, That the Governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole, or permit to go at large, to any convict who now is, or hereafter may be, imprisoned in any of the prisons of this State, under a sentence other than a life sentence, who may have served the minimum term provided by law for the crime for which he was convicted, and who has not previously served two terms of imprisonment in any penal institution for felony.

Governor to have power to issue a parole to convict.

Convict shall remain under control of Governor.

SEC. 2. Every such convict, while on parole, shall remain in the legal custody and under the control of the Governor, and shall be subject at any time to be taken back within the inclosure of the prison from which he was thereby permitted to go at large, for any reason that shall be satisfactory to the Governor, and at his sole discretion; and full power to retake and return any such paroled convict to the prison from which he was permitted to go at large is hereby expressly conferred upon the Governor, whose written order, when duly attested by the Secretary of State, shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the prison from which he was permitted to go at large, any

such paroled convict, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process.

SEC. 3. This act shall not be construed to in any sense operate as a release of any convict paroled under its provisions, but simply as a permit granted to such convict to go without the inclosure of the prison, and while so at large he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in prison.

This act not to be construed as a release of any convict.

This act is ordered to take immediate effect.

Approved May 28, 1895.

[No. 219.]

AN ACT making an appropriation for the support of the State Public School for the years eighteen hundred ninety-five and eighteen hundred ninety-six, for making improvements at that institution and to provide a tax for the same.

SECTION 1. *The People of the State of Michigan enact,* That the sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred ninety-five, and the further sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred ninety-six, and that the further sum of eight thousand and twenty-four dollars and ninety cents, be and the same is hereby appropriated out of the general fund for the following named purposes for the State Public School. For purchase of thirty and two-thirds acres of land adjoining the grounds of the State Public School, three thousand five hundred dollars. Repairs on and painting buildings, two thousand sixty-three dollars and ninety cents. For water-works and heating, nine hundred eleven dollars. For furniture and bedding for cottages, two hundred dollars. For dishes, one hundred dollars. For library and rebinding, one hundred dollars. For carriage, one hundred dollars. For harnesses, fifty dollars. And the further sum of one thousand dollars for the purchasing of cows.

Appropriation for State Public School.

Purposes of.

SEC. 2. That the general sums appropriated by the provisions of this act shall be passed to the credit of the State Public School, and paid to the board of control of that institution or to its treasurer, at such times and in such amounts and manner as is now provided by law and this

Amount to be credited to State Public School.

act and as may be made to appear to the Auditor General to be necessary.

To be incorporated in State tax.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred ninety-five the sum of forty-three thousand twenty-four dollars and ninety cents, and for the year eighteen hundred ninety-six the sum of thirty-five thousand dollars, to be assessed, levied and collected, which sums when collected shall be passed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved May 28, 1895.

[No. 220.]

AN ACT relating to warehousemen and warehouse receipts, and to establish the lien of warehousemen in certain cases.

Who deemed to be a warehouseman.

SECTION 1. *The People of the State of Michigan enact,* That every person, firm, company, association, warehouse company or other corporation, lawfully engaged in the business of storing for hire goods, wares, merchandise, grain, flour, provisions, or other products, commodity or personal property, excepting persons or companies engaged in the business of storing grain in elevators, shall be deemed and held to be a warehouseman under this act.

Warehouseman to have a lien on goods.

SEC. 2. Every warehouseman shall have a lien on all goods, wares, merchandise and other personal property deposited and stored with him, for his storage charges, and for all moneys advanced by him for cartage, labor, insurance, weighing, coopering and other necessary expenses to or on such property; and such lien shall extend to and include all legal demands for storage and expenses paid as above, which he may have against the owner of said property; and it shall be lawful for him to detain said property until such money is paid.

Lien on portion of goods.

SEC. 3. Where a quantity of goods, wares, merchandise, or other personal property is stored at one time and as one parcel, and portions of it are from time to time delivered without payment of storage charges, said warehouseman shall have a lien upon the portion left for storage and for expenses paid as above on the whole.

Warehouseman to have a lien on property for advanced charges.

SEC. 4. Wherever, in pursuance of any custom or by request of the owner or consignee, such warehouseman on receiving from a common carrier goods, wares or merchandise, or other personal property in apparent good order, may advance the freight due to said carrier on said property, he shall have a lien on said property for the amount of said freight paid, in addition to his own charges for

storage and expenses as above; and if he shall deliver said goods to the owner or consignee without payment, he may afterwards recover of such owner or consignee the amount of said storage paid. And if the property has been injured before coming to the possession of said warehouseman, which injury is not apparent or known to him before or at the time of receiving the property, the owner or consignee must look to the carrier, and cannot recoup his damages in an action by a warehouseman.

When not liable for damage to property.

SEC. 5. Whenever any warehouseman shall, at the request of the owner of personal property stored with him, and during the time that said property so remains in storage, pay any charges or liens on said property, or loan any money to said owner on said property, and the fact and the amount of said loan shall be specified in or endorsed on the warehouse receipt given for said property, said warehouseman shall have a lien on said property for the amount of said advance or loan and interest, and this lien shall be good as against any assignee of said receipt, and as against every subsequent purchaser or encumbrancer of said property.

Lien on property.

SEC. 6. The lien of a warehouseman for customary storage charges, and for necessary expenses paid in reference to the stored property, as above specified shall be paramount to that of a chattel mortgage of the property in all cases where said mortgage shall have been made after said goods shall have been received for storage by said warehouseman. But this shall not deprive the mortgagee of the right which he might otherwise have of taking possession of the goods under his mortgage, upon paying the charges up to the date of taking such possession.

Lien shall be paramount to that of a chattel mortgage.

Right of mortgagee.

SEC. 7. Every warehouseman shall keep a record book, in which shall be entered immediately upon its receipt, a description of all property deposited with him for storage, including the brand or distinguishing marks on such property, together with the date of the reception of said property and the name and address of the owner thereof. And every receipt given for any such property shall also contain the same particulars, and shall be evidence in any action against said warehouseman.

Record of property to be kept.

Receipt.

SEC. 8. Warehouse receipts shall be negotiable, and may be transferred by endorsement and delivery thereof, and said endorsement may be either in blank or to the order of another. Such endorsement shall be deemed to be a warranty that the endorser has good title and lawful authority to sell the property named in such receipt subject, however, to the lien of the warehouseman for freight and charges on said property. No property covered by such receipt or voucher shall be delivered by said warehouseman except on the surrender and the cancellation of said original receipt or voucher; or in case of partial sale or release of the said property, by the written assent of the holder of said receipt or voucher endorsed thereon:

Receipts negotiable.

Original receipt to be surrendered when.

Proviso as to
"non-negotiable
receipts."

Provided, That all warehouse receipts or vouchers which shall have the words "Non-negotiable" plainly written, printed or stamped on the face thereof shall be exempt from the provisions of this section.

Receipt not to
be issued for
property not ac-
tually stored.

SEC. 9. No warehouseman shall issue any receipt or voucher for any goods, wares, merchandise or other personal property to any person or persons purporting to be the owner or owners thereof, unless such property shall have been actually received into store or upon the premises of such warehouseman, and shall be in store or on the premises as aforesaid, and under his control, at the time of issuing such receipt or voucher.

Receipt not to
be issued as se-
curity for money
loaned.

SEC. 10. No warehouseman shall issue any receipt or voucher for any personal property to any person, persons or corporation as security for any money loaned or for other indebtedness or indemnity, unless such property so receipted for shall be, at the time of issuing such receipt or voucher, the property, without encumbrance, of said warehouseman, and shall be actually in store and under the control of said warehouseman at the time of giving such receipt or voucher, and if such property be encumbered by prior lien, then the character, extent and amount of that lien shall be fully set forth and explained in the receipt.

Duplicate
receipt.

SEC. 11. No warehouseman shall issue any second or duplicate receipt for any goods, wares, merchandise or other personal property while any former receipt or voucher for any such property as aforesaid, or any part thereof, shall be outstanding and uncanceled, without writing or stamping in ink across the face of the same "Duplicate."

Return of
receipt.

SEC. 12. No warehouseman shall sell or encumber, ship, transfer, or in any manner remove beyond his immediate control, any goods, wares, merchandise, or other personal property for which a receipt shall have been given by him as aforesaid, whether received for storing, shipping, grinding, manufacturing or other purposes, without the return of such receipt.

Penalty for vio-
lation of pro-
visions of this
act.

SEC. 13. Any warehouseman who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two thousand dollars in amount, or by imprisonment in the State prison or county jail not exceeding two years, or by both such fine and imprisonment; and all, and every person or persons aggrieved by the violation of any of the provisions of this act, may have and maintain an action at law against the person or persons violating any of said provisions, to recover the damages which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted of misdemeanor as aforesaid under this act or not.

SEC. 14. Every warehouseman who shall have had in his possession any goods, wares, merchandise or other personal property, by virtue of any agreement or warehouse receipt for the storage of the same, on which, or any part thereof, shall be due one year's storage, may at any time thereafter proceed to sell said property in the manner provided in this act: *Provided, however,* That in case of property received from a common carrier as mentioned in section four of this act, upon which property said warehouseman shall have advanced the freight charges, and said freight charges shall not be repaid within three months, he may proceed to sell said property at any time after said period of three months.

When goods may be sold.

Proviso.

SEC. 15. Before any such sale shall be made, at least thirty days written or printed notice shall be given to the person or persons in whose name or names such property was stored, notifying him or them of the default in payment of such storage charges or advances, if made on said property, and to pay the arrears or amount due, and in case of default in so doing that such goods, wares, merchandise or other personal property will be sold to pay said charges and advances, at the time and place to be specified in such notice. Such notice may either be served personally upon such person or persons, or sent to him or them by mail, postpaid, addressed to the place of residence given at the time of storing said goods or subsequently in writing to the warehouseman. In the event that the person or persons storing such goods or merchandise shall have parted with the same, and the purchaser shall have notified the warehouseman, with his address, such notice shall be given to such transferee as well as to the person storing the goods.

Notice of sale of property.

How served.

SEC. 16. Before any such sale shall be made, notice thereof shall also be given by publication once a week for three successive weeks before the time of such sale, in a newspaper published in the county where such sale is to take place. Said notice shall specify the time and place of sale, a description of the property, the name of the owner and also of the transferee, if any. Copies of said notice shall also be posted within said time in four of the most public places in the city, village or township where said sale shall be held.

Notice of sale to be published in newspaper.

SEC. 17. Such sale shall be by public auction to the highest bidder, and shall be held between the hours of nine in the forenoon and six in the afternoon, and may be held either at the warehouse or other place of deposit of said property. From the proceeds of sale, said warehouseman may retain his charge for storage of the property and any advances made thereon by him, and interest, and the expenses of advertising and sale. Said property may be sold in bulk or in parcels, according to the discretion of the warehouseman, with the view of obtaining as large a price as possible for the same.

Time and place of sale.

Proceeds of sale.

Property, how sold.

Record of sale to be kept.

SEC. 18. Such warehouseman shall make an entry in a book kept for that purpose, of all sales made as aforesaid, and of the surplus of the proceeds of the sale, if any, and such balance or surplus may be paid over to such person or persons entitled thereto, within thirty days after such sale. After the expiration of said thirty days, such balance or surplus, if not called for by the owner, shall be paid by such warehouseman to the county treasurer of the county in which such sale was made and said warehouseman shall at the same time file with said treasurer an affidavit, in which shall be stated the name and place of residence, so far as the same are known, of those persons whose goods or merchandise have been sold, the articles sold and the prices at which they were sold, the name and residence of the auctioneer making the sale, together with a copy of the published notice.

Surplus of sale to be paid to county treasurer.

Statement to be filed.

SEC. 19. The county treasurer shall make an entry of the amount received by him and the time when received, and shall file in his office such statement so delivered to him by said warehouseman.

When owner may recover.

SEC. 20. If the owner of the property sold, or his legal representatives, shall at any time within six years after such money is deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property, he shall receive from such treasurer the amount so deposited with him.

Amount to be deposited.

SEC. 21. If the amount so deposited with any county treasurer is not claimed by the owner thereof, or his legal representatives, within the said six years, the same shall belong to the county and shall be credited to the general fund thereof.

Perishable property may be sold.

SEC. 22. Property of a perishable kind and subject to decay by keeping, consigned or left for storage in the manner before mentioned, if not taken away within thirty days after it is left, may be sold after giving ten days notice thereof in the manner above provided, but the sale shall be conducted and the proceeds of the same applied in the manner before provided in this act: *Provided, however,* That any property in a state of decay, or that is manifestly liable immediately to become decayed, may be summarily sold without notice. The owner of such property shall be liable to said warehouseman, for any excess of freight and storage charges above the amount realized from the sale of said property.

Proviso as to property liable to decay.

Warehouseman may replevin goods after delivery.

SEC. 23. Any warehouseman who has parted with his possession to stored property, through fraud or mistake, to any person not entitled to the possession of the same, may after demand maintain an action of replevin for the same, or, if the property cannot be found, an action of assumpsit or trover against the person converting or removing it. In case of replevin, if there was no fraud in obtaining such possession, the plaintiff shall first tender to the defendant the freight or other proper charges which

may have accrued at the time of the demand of possession.

SEC. 24. Whenever any goods, wares, merchandise or other personal property shall be taken from the possession of any warehouseman, by writ of attachment or replevin, or other legal process, said warehouseman shall at once give written or printed notice thereof to the owner or person named in the warehouse receipt given for said property, or in case said warehouseman shall have received notice of any transfer of said property, and of the name and address of the transferee, he shall also give to said transferee like notice of said suit. Said notice may be delivered personally or sent by registered mail, postpaid. If such notice shall be given, as aforesaid, said warehouseman shall not in any way be liable on account of said suit to said owner or transferee of said property, or to the holder of any receipt or voucher given for the same, saving and reserving to such owner or holder the legal remedies for the recovery of the said goods, wares, merchandise and other personal property from any person unlawfully detaining the same, or for damages against any person unlawfully taking the same.

When property is taken by attachment warehouseman to give notice to owner.

Notice to be delivered personally or by mail.

SEC. 25. No warehouseman shall be held responsible for any loss or damage to property by fire while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same.

Warehouseman not to be responsible for damages caused by fire.

SEC. 26. All persons owning property, or who may be interested in the same, stored in any public warehouse, at all times during ordinary business hours, shall, on production of the warehouse receipt, be at full liberty to examine such property, and all proper facilities shall be extended to such person by the warehouseman, his agents and employes for such examination.

When owners may examine property.

Approved May 28, 1895.

[No. 221.]

AN ACT making appropriations for the Michigan Home for the Feeble Minded and Epileptic for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifteen thousand dollars be and is hereby appropriated to meet the current expenses of the Michigan Home for the Feeble Minded and Epileptic for the year eighteen hundred and ninety-five and the sum of thirty-five thousand dollars for the year eighteen hundred and ninety-six.

Appropriation for Home for Feeble Minded.

Objects and purposes.

SEC. 2. That the sum of twenty-five thousand dollars be and the same is hereby appropriated for the following purposes: For farm stock, teams, machinery, barn, fire protection, extra furnishing and grading and improving the grounds, seven thousand dollars; for one new cottage and furnishing the same, eighteen thousand dollars: *Provided*, That the sum of eighteen thousand dollars for erecting and furnishing one new cottage may be drawn from the State treasury quarterly, during the year eighteen hundred ninety-seven.

Auditor General to incorporate amount in State tax.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-five the sum of twenty-two thousand dollars, and for the year eighteen hundred and ninety-six, the sum of fifty-three thousand dollars, to be assessed, levied and collected, which sums when collected shall be placed to the credit of the general fund to reimburse it for the sums appropriated by sections one and two of this act as above provided.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 222.]

AN ACT to provide for the appointment of a board of commissioners who shall have the management and control of the Mackinac Island State Park, and defining its powers and duties.

Military reservation to be turned over to the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That pursuant to an act of congress, authorizing the secretary of war on application of the Governor of the State of Michigan, to turn over to the State of Michigan, for use as a State park, and for no other purpose, the military reservation and buildings, and the lands, of the national park on Mackinac Island, Michigan: *Provided*, That whenever the State ceases to use the lands for the purpose aforesaid, it shall revert to the United States; the Governor be and he is hereby authorized and directed to make application to the secretary of war as aforesaid; and that upon the turning over to the State of Michigan of said military reservation and buildings and the lands of the national park on Mackinac Island, the same shall thereafter be known as the Mackinac Island State Park.

Proviso as to forfeiture of lands.

Board of commissioners, Governor to appoint.

SEC. 2. Within thirty days after the passage of this act there shall be appointed by the Governor, by and with the consent of the Senate, five commissioners, who shall be citizens of the State of Michigan, and who shall constitute a board of commissioners to be known as the Mackinac Island State Park Commission. The Governor

shall be *ex officio* a member of said board. One of said commissioners shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years. Within thirty days after the expiration of the term of a commissioner his successor shall be appointed, who shall hold office for the term of ten years, and until his successor has been appointed and qualified. No member of the board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursement for his expense in connection with the duties of his office, not exceeding for one week in any one year, to be paid out of the park fund. In case of any vacancy upon said board such vacancy shall be filled by the Governor.

Term of office.

Compensation.

SEC. 3. The Mackinac Island State Park shall be under the control and management of said Mackinac Island State Park Commission, and the majority of same shall constitute a quorum for the transaction of business. The commissioners shall have power out of said fund to lay out, manage and maintain said park, and preserve the old fort, and to make and enforce by-laws, rules and regulations necessary to carry out the purposes thereof, not inconsistent with the laws of the State; to effect leases, and to fix prices for rentals or privileges upon the property of said park; to employ a superintendent and such persons as may be needed. And it is hereby provided that the sheriff of the county of Mackinac shall, upon the application of said commission, appoint one or more persons to be by said commission designated, and who shall be employes, as provided in this act, as deputy sheriffs in and for said county, but who shall receive no fees or emoluments for services as deputy sheriffs. Said commissioners shall have the power to fix the compensation of the persons employed by them, but no debt or obligations shall be created by them exceeding the amount of moneys at their disposal at the time. All money received from rentals or privileges may be applied by the commissioners to the maintenance and improvement of said park. Said commissioners shall make to the Governor an annual report and statement of receipts and expenditures, and such recommendations and suggestions as may seem to them proper.

Powers and duties of Park Commission.

Who may act as deputy sheriffs.

Commission to make report to Governor.

SEC. 4. It shall be the duty of the superintendent of said Mackinac Island State Park to see to it that the United States flag is kept floating from the flag-staff at Fort Mackinac, the rules relative thereto being the same as those that have governed in that matter when the fort was in possession and occupancy by the United States troops.

The United States flag to float at Fort Mackinac.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 223.]

AN ACT to amend act number one hundred ninety-six of the public acts of eighteen hundred ninety-three, entitled "An act to regulate the possession, use, transportation and sale of fish and game," by adding a new section thereto to be known as section five a.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred ninety-six of the public acts of eighteen hundred ninety-three, entitled "An act to regulate the possession, use, transportation and sale of fish and game," be and hereby is amended by the addition of a new section, to stand as section number five a of said act and to read as follows:

Quail, partridge, woodcock not to be bartered or sold.

SEC. 5a. No person shall by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, upon any pretense or any device, sell or barter, or in consideration of the purchase of any other property, give to any other person any quail, woodcock or partridge in the State of Michigan.

Approved May 31, 1895.

[No. 224.]

AN ACT to provide for marking on packages designed for the shipment of certain specified kinds of fruit, the number of pounds which each of said packages shall contain.

Fruit baskets to be marked as to number of pounds.

SECTION 1. *The People of the State of Michigan enact,* That all manufacturers of peach baskets and other fruit packages designed for the shipment of peaches, grapes and plums, and all shippers and dealers in the same, shall mark or cause to be marked in a plain manner on the outside, otherwise than the bottom, of such baskets or packages, the capacity of each basket or package in pounds at the rate of one pound for each forty-three and eight-thousandths cubic inches of space contained in such basket or package.

Penalty for violation of act.

SEC. 2. Any manufacturer of or dealer in peach baskets, or other fruit packages designed for the shipment of peaches, grapes and plums, who shall sell or offer to sell such baskets or packages without complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed to the county jail until such fine and costs are paid.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take effect January first, eighteen hundred ninety-six.

Approved May 31, 1895.

[No. 225.]

AN ACT to amend act number one hundred thirty-five of the public acts of one thousand eight hundred eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act number one hundred sixty-four, laws of one thousand eight hundred fifty-nine, also act number one hundred ninety-four, laws of one thousand eight hundred seventy-seven; also act ninety-one, laws of one thousand eight hundred seventy-three, and the acts amendatory thereto; also act one hundred seventy-two, laws of one thousand eight hundred seventy-three," approved June third, one thousand eight hundred eighty-five, being chapter forty-six of the third volume of Howell's annotated statutes, by adding a new section thereto to stand as section twenty-three.*a* of said act.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That act number one hundred thirty-five of the public acts of eighteen hundred eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane and regulating the care and management thereof, and of the inmates therein, and to repeal act number one hundred sixty-four, laws of eighteen hundred fifty-nine; also act number one hundred ninety-four, laws of eighteen hundred seventy-seven; also act number ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereto; also act number one hundred seventy-two, laws of eighteen hundred seventy-three," approved June third, eighteen hundred eighty-five; the same being chapter forty-six of the third volume of Howell's annotated statutes, be and the same is hereby amended by adding a section thereto to stand as section twenty-three *a* of said act.

SEC. 23*a*. Whenever by the order of any court, a county is made chargeable in the first instance for the support of any person in any asylum for the insane, with the further provisions that the county thus made chargeable is to be wholly or partially reimbursed by the person so admitted, or by his friends or from any other source, a copy of such order shall be filed by the court making When a county is charged with care of insane person, copy of order to be filed.

the same with the treasurer of the county which by the terms of the order is to be reimbursed.

Approved May 31, 1895.

[No. 226.]

AN ACT making appropriations for the State House of Correction and Reformatory at Ionia.

Appropriation
for State House
of Correction
and Reforma-
tory.

Purposes.

Amount to be
credited to State
House of Cor-
rection.

To be incorpo-
rated in State
tax.

SECTION 1. *The People of the State of Michigan enact,* That the sum of eighteen thousand dollars be appropriated out of the general fund for the following named purposes at the State House of Correction and Reformatory at Ionia: For general repairs, five thousand dollars; for furnishing administration building and inmate kitchen, one thousand dollars; for stationery, printing and blank books, one thousand dollars; for four new boilers, setting and furnishing, five thousand dollars; for new smoke-stack, heater and floor for boiler room, two thousand and five hundred dollars; for bedding, two thousand dollars; for library, five hundred dollars; for hose, lawn and garden improvements, one thousand dollars.

SEC. 2. That the sums appropriated by this act shall be passed to the credit of the State House of Correction and Reformatory at Ionia, and paid to its treasurer or other responsible officer upon the requisition of the board of inspectors at such times and in such amounts as it may be made to appear to the Auditor General to be necessary.

SEC. 3. That the aggregate sum appropriated by this act shall be added to and incorporated with the tax for the year eighteen hundred and ninety-five by the Auditor General, and when collected passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 227.]

AN ACT to make an appropriation to pay for the support and care of certain infirm, maimed and needy Michigan soldiers, sailors and marines heretofore cared for at the Harper Hospital in the city of Detroit.

Appropriation
to Indemnify
Harper Hos-
pital.

SECTION 1. *The People of the State of Michigan enact,* That the sum of two hundred three dollars and forty cents, be and the same is hereby appropriated from the

general fund to pay and indemnify Harper Hospital for the support and care of infirm, maimed and needy Michigan soldiers heretofore furnished by said Harper Hospital, and not already paid for by the State.

SEC. 2. The claim of said Harper Hospital shall be duly proved before the Board of State Auditors, and, when duly audited and certified by said board, the Auditor General shall draw his warrant for the amount so audited and allowed.

When claim is proved, warrant to be drawn for amount.

Approved May 31, 1895.

[No. 228.]

AN ACT making an appropriation for general repairs in and about the Michigan State Prison at Jackson.

SECTION 1. *The People of the State of Michigan enact,* That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund to the Michigan State Prison at Jackson for the following named purposes for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six: For general repairs in and about the prison, the sum of ten thousand dollars.

Appropriation for Michigan State Prison.

Purposes.

SEC. 2. The sum appropriated by this act shall be passed to the credit of the State Prison at Jackson, and be paid to the order of the board of control at such times and in such amounts and manner as is now provided by law.

Amount to be credited to State Prison.

SEC. 3. The Auditor General shall add to and incorporate with the tax for the year eighteen hundred and ninety-five the aggregate sum appropriated by this act, to wit: Ten thousand dollars, which sum when collected shall be placed to the credit of the general fund.

To be incorporated in State tax.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 229.]

AN ACT to amend sections eleven and forty-seven of act number two hundred and six, of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the land taxed, establishing and continuing such lien, providing for the sale and conveyance of lands

delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts and parts of acts in anywise contravening any of the provisions of this act."

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That sections eleven and forty-seven of act two hundred six of the public acts of eighteen hundred ninety-three, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, and for the collection of taxes heretofore and hereafter levied; making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes, and for the inspection and disposition of lands bid off to the State and not redeemed or purchased; and to repeal act number two hundred of the public acts of eighteen hundred ninety-one, and all other acts or parts of acts in anywise contravening any of the provisions of this act," be and the same are hereby amended to read as follows:

Corporate property, how and where assessed.

Proviso as to where business is transacted.

Further proviso as to personal property of maritime corporations.

Corporations paying specific taxes exempt.

SEC. 11. All corporate property, except where some other provision is made by law, shall be assessed to the corporation as to a natural person, in the name of the corporation. The place where its office is located in its articles of incorporation shall be deemed its residence: *Provided*, Its business is actually transacted at such office; but if it shall establish its principal office in any other place than the place named in its articles of incorporation, then the place where it transacts its principal business shall be deemed its residence for all the purposes of this act. If there be no principal office in this State, then at the place in this State where such corporation or agent transacts business: *Provided further*, That all the personal property of all corporations heretofore or hereafter organized under the laws of this State for the purpose of engaging in maritime commerce or navigation shall be assessed only in the city, village or township which is stated in their original articles of association or in any amendment thereof heretofore or hereafter made, to be the location of their general office for business. The property of corporations paying specific taxes shall be exempt, as to the property, covered by such taxation, except when otherwise provided by law. All other property of such corporation shall be taxed under this act. In computing the taxable property of insurance companies organized under the laws of this State, the value of the real property on which a company pays taxes shall be deducted from its net assets above liabilities, as determined and shown by the last report of the Commissioner of Insurance, and the remainder shall be the amount of personal property for which the company shall be assessed. Also by

adding to the bill an amended section forty-seven of act number two hundred six of the laws of eighteen hundred ninety-three, as follows:

SEC. 47. If any person shall neglect or refuse to pay any tax assessed to him, the township or city treasurer, as the case may be, shall collect the same by seizing the personal property of such person to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the county in which such treasurer resides or in an adjoining county thereto, and in case of assessment upon the personal property of corporations organized under the laws of this State for the purpose of engaging in maritime commerce, and navigation, wherever personal property of such corporation may be found within the State, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges, in the place where seized, or in the township or city of which he is treasurer, at public auction, on giving public notice of the same at least five days previous to the sale, by posting written or printed notices in three public places in the township, village or city where the sale is to be made, which sale may be adjourned from time to time if he shall deem the same necessary; and in case property shall be seized and advertised as herein directed, during the life of the warrant, the same may take place at any time within six days after the expiration thereof. If it becomes necessary to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for want of bidders, and in such cases only, the treasurer shall return a statement of the fact, and such tax shall be returned as unpaid. The township treasurer, if otherwise unable to collect a tax on personal property, may sue the person to whom it is assessed, in the name of the township, village or city, and garnishee any debtor or debtors of such person. The tax roll shall be *prima facie* evidence of the debt sought to be recovered: *Provided*, That when any person having possession of the personal property of any other person or corporation shall be assessed for such property and shall be obliged to pay the taxes thereon, such person, so paying the taxes, may recover of the person for whose benefit the taxes were paid, the money so paid, with the interest thereon, in an action of assumpsit.

Seizure of personal property for taxes.

Sale of seized property.

Notice of sale.

Surplus of sale.

Return of unpaid taxes.

Collection by suit.

Proviso as to personal property in possession of another.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 230.]

AN ACT to amend act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having the charge thereof," approved May twenty-sixth, eighteen hundred and ninety-three, by adding two new sections to said act.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred and forty-nine of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for a county and township system of roads, and to prescribe the powers and duties of the officers having the charge thereof," approved May twenty-sixth, eighteen hundred and ninety-three, be and the same is hereby amended by adding two new sections thereto to stand as sections twenty-six and twenty-seven, and to read as follows:

In case board of supervisors refuse to submit question of adopting county road system, township board may do the same.

SEC. 26. Any township in any county in this State, except Marquette, Delta and Houghton counties, where the board of supervisors refuse to submit the question of adopting the county roads system, or where the question has been submitted and it has failed to carry, may submit the question of a township system of roads, in the same manner and by the same proceedings as is prescribed for the county roads system, by substituting the words "township board" for "board of supervisors," and "township clerk" for "county clerk," and "township roads" for "county roads," and changing all other words and phrases necessary to make the act applicable to organized townships, except as herein otherwise provided. The township board of any township adopting such road system, shall, by resolution to be entered of record, designate the roads and bridges within such township to be built or maintained under such road system, and shall determine the amount of tax to be raised in such township for each year for that purpose, which shall not exceed one-half of one per cent of the assessed valuation of such township for the preceding year, and shall cause such determination to be entered upon their records. No township shall issue bonds to raise money for the construction or maintenance of roads and bridges under this act. All roads and bridges not designated to be constructed or maintained under the provisions of this act as aforesaid, shall be constructed or maintained as if this act had not passed.

Words substituted.

Township board may by resolution designate the roads and bridges to be built.

To apportion the amount of tax to be raised.

What townships exempt from taxation for county roads.

SEC. 27. Any township that shall adopt the provisions of this act, and shall raise money and build roads in good faith, shall not, without their consent, by a two-thirds vote, be liable to any tax for a county road sys-

tem, should the county in which said township is situated afterwards adopt the county roads system.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 231.]

AN ACT to amend section fourteen of chapter two of act number two hundred seventy-four of the public acts of eighteen hundred eighty-nine, being section one thousand three hundred thirty-eight of volume three of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section fourteen of chapter two of act number two hundred seventy-four of the public acts of eighteen hundred eighty-nine, being section one thousand three hundred thirty-eight of volume three of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

SEC. 14. All highway labor and all money tax assessed and collected within any township for highway purposes shall be expended within the limits of the townships on which the same may be assessed, unless otherwise provided by law. The provisions of this section shall not apply to the counties of Menominee, Dickinson and Iron.

Money and labor, etc., to be expended within township.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 232.]

AN ACT to repeal act number one hundred forty of the public acts of Michigan for the year eighteen hundred ninety-one, entitled "An act to provide for a State board of inspectors who shall perform the duties now performed by the advisory board in the matter of pardons, and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing and the Industrial Home for Girls at Adrain, and to abolish all existing boards and to annul all existing appointments," approved June seventeenth, eighteen hundred ninety-one.

Act repealed.

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred forty of the public acts of Michigan for the year eighteen hundred ninety-one, entitled "An act to provide for a State board of inspectors who shall perform the duties now performed by the advisory board in the matter of pardons and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing and the Industrial Home for Girls at Adrian, and to abolish all existing boards and to annul all existing appointments," approved June seventeenth, eighteen hundred ninety-one, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 233.]

AN ACT to amend section thirty-nine of chapter sixteen, revised statutes of eighteen hundred forty-six, entitled "Of township meetings," being section seven hundred ten of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section thirty-nine of chapter sixteen, revised statutes of eighteen hundred forty-six, entitled "Of township meetings," being section seven hundred ten of Howell's annotated statutes, be amended so as to read as follows:

Time of electing officers.

[§ 710.] SEC. 39. At the hour of one o'clock in the afternoon, there shall be elected the other officers to be elected at such meetings and all business of such meetings requiring a *viva voce* vote, except that required by section eight of this chapter, shall be then transacted: *Provided*, That on all votes for the appropriation of any moneys, or for the raising of any taxes in said township, said votes shall be taken in such a manner that the moderator of such meeting may be able, and shall, upon demand, state the result of each of said votes, giving the number voting for and the number voting against each proposition so voted upon, all of which shall be duly recorded by the township clerk in the records of the proceedings of such meeting.

Proviso as to appropriation of moneys.

Approved May 31, 1895.

[No. 234.]

AN ACT to amend section thirty-nine, chapter one hundred fifty-four, of the revised statutes of eighteen hundred forty-six, and the several acts amendatory thereof, relative to offenses against property; the same being section nine thousand one hundred sixty-one of Howell's annotated statutes of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section thirty-nine, chapter one hundred fifty-four, of the revised statutes of eighteen hundred forty-six, and the several acts amendatory thereof, relative to offenses against property, the same being section nine thousand one hundred sixty-one of Howell's annotated statutes of Michigan, be and the same is hereby amended so as to read as follows:

SEC. 9161. Every person who, with intent to defraud, or cheat another, shall designedly by color of any false token or writing, or by any other false pretense, cause any person to grant, convey, assign, demise, lease or mortgage any land or interest in land, or obtain the signature of any person to any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money, personal property or valuable thing, or by means of any false weights or measures, obtain a larger amount or quantity of property than was bargained for, or by means of any false weights or measures, sell or dispose of a less amount or quantity of property than was bargained for, if such land or interest in land, money, personal property, valuable thing, larger amount obtained, or less amount disposed of, shall be of the value of twenty-five dollars or less, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; and if such land or interest in land, money, personal property, valuable thing, larger amount obtained, or less amount disposed of, shall be of the value of more than twenty-five dollars, such person shall be punished by imprisonment in the State Prison not more than ten years or by fine not exceeding five hundred dollars and imprisonment, in the county jail not more than one year.

Obtaining property by false pretense.

As to false weights or measures.

Penalty for violation of act.

Approved May 31, 1895.

[No. 235.]

AN ACT to amend sections three, twelve, nineteen and twenty of act number two hundred nine of the public acts of one thousand eight hundred ninety-three, entitled "An act to establish a Home and Training School for

the Feeble Minded and Epileptic, and making an appropriation for the same," approved June second, one thousand eight hundred ninety-three.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections three, twelve, nineteen and twenty of act number two hundred and nine of the public acts of eighteen hundred ninety-three, entitled "An act to establish a Home and Training School for the Feeble Minded and Epileptic, and making an appropriation for the same," be and the same are hereby amended so as to read as follows:

Commissioner to take oath of office.

Appoint a secretary.

Treasurer to give bond.

Supervision to be vested in board of control.

When first board to be appointed.

Term of office.

Treasurer to give bond.

To be approved by the Governor.

How moneys to be disbursed.

SEC. 3. Said commissioners shall before entering upon the duties of their office take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State. They shall also at their first meeting appoint from their number a secretary and a treasurer. Said treasurer shall give his bond to the people of the State of Michigan in the penal sum of ten thousand dollars, with two or more sureties to be approved by the Governor conditioned for the faithful performance of the duties required of him and to properly account for all moneys received by him under this act. He shall receive no compensation for his services.

SEC. 12. The general supervision and government of said institution shall be vested in a board of control of three members to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold their offices for the respective terms of two, four and six years, such appointments to date from the first day of February, one thousand eight hundred and ninety-five. Said first board to be appointed as soon as the buildings now erected are completed and ready for the use of the State, said respective terms of office to be designated in their first appointments, and thereafter there shall be one member of such board appointed every two years, whose term of office shall continue for six years, or until a successor is appointed and qualified. Whenever any vacancy shall occur in said board from any cause, the Governor shall appoint a suitable person to fill such vacancy who shall hold his office until the next regular session of the Legislature and until such vacancy shall be filled as aforesaid.

SEC. 19. The treasurer of said board shall be required, before entering upon the duties of such office, to give his bond to the people of the State in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him as such treasurer. He shall have the custody of all moneys, bonds, notes, mortgages and other securities and obligations belonging to said home. Said moneys shall be disbursed only for the use of such home in such manner and

method as the board of control may direct. The treasurer shall keep full and accurate accounts of the receipts and payments, and render statements in the manner provided by section four, act one hundred forty-six, laws of eighteen hundred ninety-one; he shall also render an account of the state of his books and of the funds and other property in his custody whenever required so to do by the board of control.

To render
accounts.

Sec. 20. All feeble minded and epileptic persons, above the age of six years, who are legal residents of the State of Michigan, may, in the discretion of the board, be admitted to said Home without charge for tuition, boarding, washing, medicine or medical attendance. But where the parents or guardians of any person or persons who may be admitted are able to contribute to their support, in whole or in part, they may be required to do so under uniform rules to be established by the said board of control. In the selection of inmates preference shall be given to indigent or pauper orphan children, and when this class is provided for, such others may be admitted for whom application may be made whenever suitable accommodations have been provided; and when these classes are provided for, other feeble minded and epileptic persons may be received into said institution as the board of control may by their rules and regulations approve and direct.

Who may be ad-
mitted to the
home.

To whom prefer-
ence may be
given.

Approved May 28, 1895.

[No. 236.]

AN ACT to create the office of State Statistician and to define his powers and duties and provide a compensation therefor.

SECTION 1. *The People of the State of Michigan enact,* That within thirty days after this act shall take effect the Governor, by and with the consent of the Senate, shall appoint a suitable person to collect and compile the statistics of taxation in this State, and such appointee shall be known as the Tax Statistician. He shall be a citizen of the State, well versed in the tax laws of the State, and a competent accountant. He shall hold his office until the first day of March, one thousand eight hundred and ninety-seven. Said Tax Statistician may appoint such assistants, from time to time, as shall be necessary for the transaction of the business of his office.

Appointment of
State Tax Statis-
tician.

Term of office.

May appoint
assistants.

Sec. 2. It shall be the duty of the Tax Statistician to ascertain, as fully as is practicable, the actual and the assessed value of the real and personal property within the State which is subject to taxation under the provisions of

Duties of Tax
Statistician.

the general tax law; to make special inquiry into the proportion of mortgage moneys and credits taxed and untaxed under the laws of the assessing laws of this State, and the methods of the assessing officers in regard to the assessment of such property; the character and value of all property which is exempt from taxation and the reasons for such exemption; the value and character of the property belonging to corporations or individuals paying or liable for the payment of specific taxes, and the earning of such corporations or properties; the value of all property owned and held by churches, religious and benevolent and charitable societies, under the laws of this State, which are not taxed; the amount of State, county, municipal or city, township and other local taxes assessed, the amount paid and the amount returned delinquent; the amount of such delinquent taxes which is lost to the State, and its political subdivisions, and so far as practicable the causes and reasons for such loss; and such other facts relative to the sources and collection of the revenue of the State, and of counties, townships, cities, villages and school districts as are pertinent to the inquiry hereby authorized and instituted. He shall compile and record the statistics in such a manner as to be able to furnish information relative to the sources of public revenue and the properties assessed and taxes paid in each of the political subdivisions of the State, so far as is practicable. He shall also ascertain, so far as may be, whether the spirit and letter of the general and specific tax laws are enforced, and if such enforcement results in an equitable and just distribution of the taxes authorized by the various political subdivisions of the State for their support, or wherein lies the failure to secure the full, just and equitable results intended by the enactment of existing laws.

To compile and record statistics.

To ascertain as to the enforcement of general tax law.

Duty of officers in aiding Tax Statistician.

Penalty for neglect of duty.

Office to be located at Lansing.

SEC. 3. It shall be the duty of all State, county, township, city, village or school district officers, and of the officers, managers and agents of all corporations organized or doing business within this State, to give said Tax Statistician, or his duly appointed representative, all reasonable facilities for the examination of the records of their several offices. Any State, county, township, city, village or school district officer, or any officer, agent, manager or employé of any corporation organized or doing business within this State, who shall willfully neglect or refuse to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 4. The Tax Statistician shall keep his office in the city of Lansing, and may conduct his inquiries in person

or through agents duly authorized by him whenever the desired information can, in his judgment, be procured more satisfactorily and more accurately by personal examination than through other means. He shall make such investigation relative to taxable property and the value thereof as shall tend to determine the proportion thereof which is assessed and the relative taxes paid on the various classes of property within the jurisdiction of the State and its political subdivisions; and such investigation may, in his discretion, be pursued by inquiry of or verified statements made by unofficial persons.

To make investigation as to taxable property.

SEC. 5. The Tax Statistician shall have power to compel the attendance of witnesses and to examine them on oath, whenever it may appear to him necessary to do so in order to determine any question pertinent to the inquiry hereby instituted, and he is hereby empowered to issue process for the attendance of witnesses in any part of the State; but no witness so summoned shall be required to attend any sitting of such Tax Statistician elsewhere than within the county in which such witness resides. Such witnesses shall be entitled to and shall receive the same fees as are allowed to witnesses in the circuit courts, to be allowed and paid by the Board of State Auditors upon the sworn certificate of the State Tax Statistician that such fees were incurred necessarily under his direction and for the purposes required by this act. Any person duly subpoenaed under the provisions of this section, who shall willfully neglect or refuse to attend or testify at the place named in the subpoena served for such purpose shall be deemed guilty of a misdemeanor, and on conviction before any court of competent jurisdiction may be punished by a fine not exceeding fifty dollars or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. The prosecuting attorneys of the several counties shall be the legal advisers of the State Tax Statistician, when necessary, without extra charge, and shall take notice of all complaints made for violation of the provisions of this act, and prosecute the same to completion in their several counties and in all the courts of the State.

Shall have power to examine witnesses on oath.

Fees of witnesses.

Penalty for neglect to testify.

Prosecuting attorneys to be legal advisers.

SEC. 6. The compensation of such Tax Statistician shall be fifteen hundred dollars per annum, which compensation, together with all necessary expenses, including the compensation and expenses of such witnesses, assistants and agents as are provided for in this act, shall be audited and paid in the same manner as the salaries and expenses of other State officers; but the amount thereof, exclusive of the salary of said Tax Statistician, shall not, in any one year, exceed the sum of two thousand dollars: *Provided*, That in addition to the above allowance for expenses, said Tax Statistician shall be authorized to have printed not to exceed five thousand copies of his annual report to

Compensation of Tax Statistician.

Proviso as to printing copies of annual report.

the Governor, for general distribution, and all printing, binding, blanks and office supplies required for the use of his office shall be furnished under any contract which the State now has, or shall have for similar work or supplies, and the expense thereof shall be audited and paid for in the same manner as other State printing and supplies.

To be ready to
furnish information
to the
Legislature.

SEC. 7. The Tax Statistician shall arrange the work of his office so that during the sessions of the Legislature he can at all times be in readiness to furnish such information as is obtainable, or conduct any special inquiry relative to taxation or the tax laws, as may be required by either branch of the Legislature, or by any committee thereof.

Approved May 31, 1895.

[No. 237.]

AN ACT to apportion anew the Representatives among the several counties and districts of this State.

Basis of representation.

SECTION 1. *The People of the State of Michigan enact,* That the House of Representatives shall hereafter be composed of one hundred members, elected agreeable to a ratio of one representative to every twenty thousand nine hundred and thirty-eight persons, including civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative of each county having a fraction more than a moiety of said ratio, and not included therein, until the one hundred representatives are assigned, that is to say: Within the county of Wayne, twelve; Kent, five; Saginaw, four; Bay, three; St. Clair, three; Lenawee, two; Jackson, two; Calhoun, two; Washtenaw, two; Berrien, two; Oakland, two; Muskegon, two; Marquette, two; Genesee, two; Kalamazoo, two; Allegan, two; Ingham, two; Houghton, two; Ottawa, two; Montcalm, two; Ionia, two; Sanilac, two; Tuscola, two; Monroe, two; Eaton, two; Macomb, two; Shiawassee, one; Hillsdale, one; Van Buren, one; Lapeer, one; Gratiot, one; Huron, one; Clinton, one; St. Joseph, one; Branch, one; Manistee, one; Barry, one; Cass, one; Menominee, one; Livingston, one; Newaygo, one; Mecosta, one; Isabella, one; Mason, one; Oceana, one.

Counties entitled to more than one representative.

Representative districts.

The counties of Midland, Gladwin and Arenac shall constitute a representative district and shall be entitled to one representative, and the election returns of said district shall be made to the county of Midland.

The counties of Wexford, Missaukee and Clare shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Wexford.

The counties of Osceola and Lake shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Osceola.

The counties of Grand Traverse, Leelanau and Benzie shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Grand Traverse.

The counties of Antrim, Charlevoix and Kalkaska shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Antrim.

The counties of Iosco, Alcona, Roscommon and Ogemaw shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Iosco.

The counties of Alpena, Montmorency, Otsego, Oscoda and Crawford shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Alpena.

The counties of Cheboygan, Emmet and Presque Isle shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Cheboygan.

The counties of Chippewa, Mackinac and Luce shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Chippewa.

The counties of Delta, Schoolcraft and Alger shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Delta.

The counties of Dickinson, Iron and Baraga shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Dickinson.

The counties of Gogebic, Ontonagon, Keweenaw and Isle [Royale] Royal shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Gogebic.

Approved June 1, 1895.

[No. 238.]

AN ACT to amend section six of act number one hundred and twenty-four of the session laws of eighteen hundred and eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the session laws of eighteen hundred and

eighty-two," as amended by acts approved March twenty-ninth, eighteen hundred and eighty-seven, and July third, eighteen hundred and eighty-nine.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number one hundred and twenty-four of the session laws of eighteen hundred and eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the session laws of eighteen hundred and eighty-two," as amended by acts approved March twenty-ninth, eighteen hundred and eighty-seven, and July third, eighteen hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

On return of summons jury to be impaneled.

SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings shall have been adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be impaneled in the cause. Such jury shall be composed of twelve freeholders from the municipality, but in cases instituted by cities and villages, such freeholders, or any of them, may be drawn from the county if it shall be made to appear to the court that a disinterested panel cannot be drawn from such freeholders, and the court shall so order, and shall be selected and impaneled as follows: The sheriff, under sheriff or deputy sheriff of the county shall, on the same day or at an adjourned day, make a list of twenty-four resident freeholders of said city or village, or county, as the court may order, and the city or village attorney or prosecuting attorney, in person or by an assistant or deputy, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause; the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a *venire* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State relative to petit jurors in civil cases in such

Manner of impaneling.

Each party to strike six names from the list.

When talesmen may be summoned.

Penalties for non-attendance.

courts, except that peremptory challenges shall not be allowed.

Approved June 1, 1895.

[No. 239.]

AN ACT to amend section three of act number two hundred and sixteen of the public acts of eighteen hundred and eighty-nine, being an act entitled "An act to provide for the appointment, fix the compensation, and prescribe the duties of the stenographer of the twenty-first judicial circuit," being section six thousand five hundred and thirty-four of Howell's annotated statutes of the State of Michigan, as amended by act number fifty-six of the public acts for the year eighteen hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section three of act number two hundred and sixteen of the public acts of eighteen hundred and eighty-nine, being an act entitled "An act to provide for the appointment, fix the compensation, and prescribe the duties of the stenographer of the twenty-first judicial circuit," being section six thousand five hundred and thirty-four of Howell's annotated statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term and take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such service he shall receive the sum of one thousand dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided out of the county treasuries of the counties composing said circuit in proportion to the number of suits entered and commenced in the circuit courts of such counties respectively the preceding year and within thirty days after the passage of this act and on the first of January of each year thereafter or as soon thereafter as may be it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively upon the basis aforesaid and to notify the treasurer of each county thereof and when so notified the treasurer of each of said counties shall thereafter until a new apportionment of salary is made pay in monthly installments the annual salary of said stenographer in accordance with such apportionment and notification of the circuit judge and the receipt of said stenographer shall be a sufficient voucher

Stenographer to be officer of the court.

Compensation.

Judge to apportion amount of salary to each county.

Salary to be paid monthly.

Residence of
stenographer.

for each of the county treasurers aforesaid. Said stenographer shall reside in the county in said judicial circuit of which the circuit judge shall be a resident: *Provided*, Such requirement shall appear in the order of the Governor appointing him.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 240.]

AN ACT to amend section one hundred and five of chapter ten, being compiler's section five hundred and ninety-five of the compiled laws of eighteen hundred and seventy-one, relating to the duties and compensation of county surveyors, approved April third, eighteen hundred and sixty-nine, being compiler's section six hundred twenty-four of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and five of chapter ten, being compiler's section five hundred and ninety-five of the compiled laws of eighteen hundred and seventy-one, relating to the duties and compensation of county surveyors, approved April third, eighteen hundred and sixty-nine, being compiler's section six hundred and twenty-four of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

How a majority
of resident own-
ers may have
their corners
and lines estab-
lished.

SEC. 105. Whenever the majority of the resident owners of any section or part or parts of any section of land in this State, after having given at least ten days' notice to all other persons or their agents owning land in the same section, or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them established, re-located or perpetuated, such surveyor shall proceed to make the required surveys and the expense thereof shall be borne by all the persons benefited in proportion to the amount of work done for each, to be determined by the surveyor, and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor shall certify the same and to whom due, to the supervisor of the proper township, who shall assess it upon the land of such person to be collected and paid to the county treasurer in the same manner as State and county taxes; and paid by the said county treasurer on the order of the county surveyor.

In case of non-
resident owners.

Approved June 1, 1895.

[No. 241.]

AN ACT to amend section two of an act entitled "An act to authorize judges of probate of certain counties to appoint a register, and prescribing his duties and compensation," approved March thirtieth, one thousand eight hundred sixty-nine, being act seventy-nine of the session laws of one thousand eight hundred sixty-nine, as amended by act one hundred eighty-six of the public acts of one thousand eight hundred and seventy-nine, the same being compiler's section five hundred thirty-six of Howell's annotated statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section two of an act entitled "An act to authorize judges of probate of certain counties to appoint a register, and prescribing his duties and compensation," approved March thirtieth, one thousand eight hundred sixty-nine, as amended by act one hundred eighty-six of the public acts of one thousand eight hundred seventy-nine, the same being compiler's section five hundred thirty-six of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

SEC. 2. The said probate register shall be prohibited from receiving any fees or compensation for drawing any petitions, applications or other papers whatever in any matter or proceeding in said probate court; but on application shall make all such papers free of charge. He shall make attested copies and exemplifications of any record proceeding entered in such probate court and furnish on request to any person, and shall collect therefor at the rate Fees and compensation of probate register defined. of eight cents for one hundred words for all such copies or exemplifications: *Provided*, That after the last day of December, one thousand eight hundred ninety-six, in the counties of Wayne, Kent, Saginaw and Bay the money so collected shall be paid to the county treasurer and placed to the credit of the general fund of the county. Rate.

Approved June 1, 1895.

[No. 242.]

AN ACT to amend section eight of act number two hundred three of the public acts of eighteen hundred seventy-seven, entitled "An act relative to dividing townships and villages into election districts and to provide for the registration of electors in such cases," being section one hundred thirty-one of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act number two hundred three of the public acts of eighteen hundred seventy-seven, entitled "An act relative to dividing townships and villages into election districts and to provide for the registration of electors in such cases," being section one hundred thirty-one of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Time of meeting
of electors to
transact busi-
ness, and can-
vass votes,

SEC. 8. The electors of each election district shall meet at one o'clock in the afternoon at the polling place of each district respectively to transact such business as is usually transacted at township meetings by *viva voce* vote, and shall count or canvass the votes on each and every question which shall be submitted to them and the result of such vote shall be counted and reported to the board of inspectors of election of precinct number one, and shall be by them consolidated and canvassed in the same manner as provided by section seven of said act: *Provided*, That all questions proposed to be acted upon shall be previously reported to the township board and by them reported to the board of inspectors of election of each precinct on the morning of election, and that no question shall be entertained that is not so reported.

Proviso as to
reporting ques-
tion.

Approved June 1, 1895.

[No. 243.]

AN ACT to amend section three of act number one hundred twenty-eight of the public acts of eighteen hundred eighty-seven, entitled "An act for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," approved May thirty-first, eighteen hundred eighty-seven, the same being section six thousand two hundred twenty-two c of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number one hundred twenty-eight of the public acts of eighteen hundred eighty-seven, entitled "An act for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," approved May thirty-first, eighteen hundred eighty-seven, being section six thousand two hundred twenty-two c of Howell's annotated statutes, be and the same is hereby amended so as to read as follows.

County clerk to
fill out blank
spaces to li-
censes for mar-
riage.

SEC. 3. It shall be the duty of the county clerk on application being made to him to fill out the blank spaces of the license according to the sworn answers of

ness of the said commissioner, on his application to said board therefor. Said office shall be and remain in the city of Lansing. The commissioner may appoint not to exceed two clerks for the transaction of the business of his office, whose salary shall not exceed the sum of fifty dollars per month each. The commissioner may also appoint inspectors who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and who shall hold office during the pleasure of the commissioner. Such inspectors shall have the same right of access to places to be inspected as the said commissioner or his deputy. Such inspectors shall receive as compensation for their services not to exceed the sum of three dollars per day and their necessary expenses when so employed. Such compensation and expenses shall be certified, audited and paid in the same manner as the salaries and expenses of similar officers are certified, audited and paid.

Commissioner
may appoint
clerks and
inspectors.

Compensation of
inspectors.

SEC. 5. The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person, who shall be a practical analytical chemist, who shall also be deputy commissioner as State Analyst. Before entering upon the duties of his office, the State Analyst shall take, subscribe and file in the office of the Secretary of State, the constitutional oath of office. His term of office shall continue during the pleasure of said commissioner and his salary shall be not to exceed the sum of twelve hundred dollars per year, payable monthly on the warrant of the Auditor General. The Board of State Auditors shall provide a room, in connection with the office of the Dairy and Food Commissioner, for a laboratory for the State Analyst, and the necessary furniture and fixtures therefor; the Dairy and Food Commissioner, upon the requisition of the State Analyst, shall provide the necessary chemical apparatus and appliances, not to exceed in cost the sum of fifteen hundred dollars, and the necessary chemicals, not to exceed in cost the sum of five hundred dollars in any one year, to enable said State Analyst to discharge the duties of his office. In case of the absence or inability of the State Analyst to perform his duties, the commissioner may, with the consent of the Governor, appoint some other competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office.

To appoint a
practical analytical
chemist.

Compensation of
analyst.

To provide
chemical apparatus,
etc.

When temporary
analyst may be
appointed.

SEC. 6. It shall be the duty of the Dairy and Food Commissioner to carefully enquire into the quality of the dairy and food and drink products, and the several articles which are foods or the necessary constituents of foods, which are manufactured for sale or sold, or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and direct the State Analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis

Duty of Dairy
and Food Commissioner
as to examination of
food.

hundred fifty-five, being section seven thousand and thirty-five of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

Two or more
sureties may
execute bond.

When bond may
be approved.

[7035.] SEC. 220. The party procuring the *certiorari* need not execute the bond in the last section mentioned, if the same shall be executed by two or more sureties. The sufficiency of the surety or sureties shall be approved by the person allowing the *certiorari*, or the justice on whose judgment the *certiorari* is brought. No such bond shall be approved unless the surety or sureties thereto justify their pecuniary responsibility in writing and under oath, which said justification shall be by said justice or person allowing the *certiorari* endorsed on said bond, or the responsibility of such surety or sureties is admitted in writing by the opposite party or his attorney, and endorsed on said bond.

Approved June 1, 1895.

[No. 245.]

AN ACT to amend sections four, five, six, seven and nine of act number two hundred and eleven of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties and fix his compensation," approved June second, eighteen hundred and ninety-three, and to add three new sections thereto to stand as sections ten, eleven and twelve of said act, and to provide an appropriation to carry this act into effect.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections four, five, six, seven and nine of act number two hundred and eleven of the public acts of eighteen hundred and ninety-three, approved June second, eighteen hundred and ninety-three, entitled "An act to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and fix his compensation," be and the same hereby are amended, and three new sections are added thereto to stand as sections ten, eleven and twelve, so that said sections as amended and the section added thereto shall read as follows:

Annual salary of
Dairy and Food
Commissioner.

Board of State
Auditors to pro-
vide office room.

SEC. 4. Said commissioner shall receive an annual salary of twelve hundred dollars, payable monthly on the warrant of the Auditor General. His necessary cash outlay for the expenses, incidental to the performance of the duties of his office, shall be audited by the Board of State Auditors. The Board of State Auditors shall provide office room and the necessary furniture and fixtures, and the necessary stationery supplies and printing for the conduct of the busi-

ness of the said commissioner, on his application to said board therefor. Said office shall be and remain in the city of Lansing. The commissioner may appoint not to exceed two clerks for the transaction of the business of his office, whose salary shall not exceed the sum of fifty dollars per month each. The commissioner may also appoint inspectors who shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State, and who shall hold office during the pleasure of the commissioner. Such inspectors shall have the same right of access to places to be inspected as the said commissioner or his deputy. Such inspectors shall receive as compensation for their services not to exceed the sum of three dollars per day and their necessary expenses when so employed. Such compensation and expenses shall be certified, audited and paid in the same manner as the salaries and expenses of similar officers are certified, audited and paid.

Commissioner
may appoint
clerks and
inspectors.

Compensation of
inspectors.

SEC. 5. The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person, who shall be a practical analytical chemist, who shall also be deputy commissioner as State Analyst. Before entering upon the duties of his office, the State Analyst shall take, subscribe and file in the office of the Secretary of State, the constitutional oath of office. His term of office shall continue during the pleasure of said commissioner and his salary shall be not to exceed the sum of twelve hundred dollars per year, payable monthly on the warrant of the Auditor General. The Board of State Auditors shall provide a room, in connection with the office of the Dairy and Food Commissioner, for a laboratory for the State Analyst, and the necessary furniture and fixtures therefor; the Dairy and Food Commissioner, upon the requisition of the State Analyst, shall provide the necessary chemical apparatus and appliances, not to exceed in cost the sum of fifteen hundred dollars, and the necessary chemicals, not to exceed in cost the sum of five hundred dollars in any one year, to enable said State Analyst to discharge the duties of his office. In case of the absence or inability of the State Analyst to perform his duties, the commissioner may, with the consent of the Governor, appoint some other competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office.

To appoint a
practical analytical
chemist.

Compensation of
analyst.

To provide
chemical apparatus,
etc.

When temporary
analyst may be
appointed.

SEC. 6. It shall be the duty of the Dairy and Food Commissioner to carefully enquire into the quality of the dairy and food and drink products, and the several articles which are foods or the necessary constituents of foods, which are manufactured for sale or sold, or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and direct the State Analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis

Duty of Dairy
and Food Commissioner
as to examination of
food.

To make complaint to prosecuting attorney.

May examine and open packages.

To take duplicate samples.

Prosecuting attorney to prosecute suits.

When commissioner may employ additional counsel.

To make annual report to Governor.

To print and distribute monthly bulletin.

of all or any such food, food and drink product, or dairy product, as is adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the commissioner to make complaint against the manufacturer or vendor thereof, in the proper county, and furnish the prosecuting attorney with the evidence thereon and thereof to obtain a conviction for the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose, may examine and open any package, can or vessel lawfully obtained, containing, or believed to contain, any article or product, which may be manufactured, sold, exposed or intended for sale, in violation of the provisions of the laws of this State, and may inspect the contents therein, and take therefrom samples for analysis. The person making such inspection shall take duplicate samples of such article or product, in the presence of at least one witness, and he shall in the presence of such witness mark or seal both of such samples, and shall tender, and, if accepted, [deliver] delivered at the time of taking, one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the reason for taking the samples.

SEC. 7. It shall be the duty of all prosecuting attorneys to prosecute to completion all suits brought by the Dairy and Food Commissioner, under the provisions of this act, or any subsequent act relative to the adulteration of food for the sale of impure or unwholesome food or food products. In case the commissioner may deem it expedient he may, upon an order of the court therefor, employ counsel to assist the prosecuting attorney of any county in the prosecution of any such suits. The compensation of such assistant counsel shall be paid out of moneys appropriated for the enforcement of the provisions of this act, upon the certificate of the commissioner.

SEC. 9. The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year, which shall show, among other things, the number of manufactories and other places inspected, and by whom, the number of specimens of food articles analyzed, and the State Analyst's report upon each one, the number of complaints entered against persons for violation of the laws relative to the adulteration of food, the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print and distribute to all the papers of the State, and to such persons as may be interested, or may apply therefor, a monthly bulletin, containing results of inspections, the results of analyses

made by the State Analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food, food and drink products, and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than five thousand copies of each of such monthly bulletins shall be printed. Number of copies.

SEC. 10. Any person who shall willfully hinder or obstruct the Dairy and Food Commissioner, or his deputy, or other person or inspector by him duly authorized, in the exercise of the powers conferred upon him by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or both such fine and imprisonment in the discretion of the court. Penalty for interfering with inspectors.

SEC. 11. There shall be appropriated each year the sum of ten thousand dollars, out of which shall be paid, in such manner as other similar salaries, expenses and accounts are allowed and paid, all the salaries and expenses provided for in this act: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery. Amount to be appropriated annually.

SEC. 12. The Auditor General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of nine thousand four hundred dollars, to be levied, assessed and collected as in case of other taxes for general purposes upon all the property of the State, and when the tax so levied and collected, the same shall be paid into and become a part of the general fund, to reimburse such fund for the amounts appropriated to carry into effect the provisions of this act. To incorporate amount in State tax.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 246.]

AN ACT to establish a permanent State weather service in this State, co-operating with the weather bureau, United States department of agriculture, for the purpose of the collection and compilation of climatic and meteorologic data, the accurate and rapid dissemination of daily weather forecasts, also frost and cold wave warnings, and weather crop conditions; the same to be used for the benefit of the agricultural, commercial and scientific interests of the State, and making an appropriation therefor.

Weather bureau
established.

Officers and
observers.

Appropriation,
how expended.

Property ac-
quired to remain
the property of
Michigan.

Director to fur-
nish monthly
summary.

Amount to be
assessed yearly.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is established a bureau which shall be known as the Michigan Weather Service, and the same shall be and hereby is made a permanent institution of and charge upon the State, in like manner to the Agricultural College and other permanent institutions of the State, and said bureau shall consist of one director, who shall be detailed by the chief of the weather bureau, United States department of agriculture, and one voluntary observer in each county of the State where practicable.

SEC. 2. For the purpose of carrying out the provisions of this act there shall be and hereby is appropriated the sum of one thousand dollars annually, or so much thereof as may be necessary. And all moneys appropriated under this act, or so much thereof as may be necessary, shall be expended by the director of the service under the direction of the State Board of Agriculture, and the same shall be drawn from the treasury upon the presentation of proper certificates of said board to the Auditor General, and on his warrant to the State Treasurer.

SEC. 3. All property acquired, or which may hereafter be acquired under this act, shall be and remain the property of the State of Michigan, and all instruments, books, records, etc., purchased or acquired, shall be issued by the director in accordance with the rules prescribed by said board.

SEC. 4. The director shall furnish to the State Board of Agriculture a monthly summary for publication, and an annual report to the Governor, which report shall contain the complete meteorological data for the year.

SEC. 5. There shall be assessed upon the taxable property of the State of Michigan in the year one thousand eight hundred and ninety-five, and each year thereafter, the sum of one thousand dollars, the same to be assessed and levied in like manner as other taxes are assessed and levied, and the same when collected to be credited to the general fund and drawn upon in such sums and manner as hereinbefore specified in section two of this act.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 247.]

AN ACT to amend section four of act two hundred and seven of the public acts of one thousand eight hundred and eighty-nine, being section two thousand two hundred and eighty-three of Howell's annotated statutes, volume three, relative to the prohibition of the manufacture and sale of intoxicating liquors, by vote in counties.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section four of act number two hundred and seven of the public acts of one thousand eight hundred and eighty-nine, being section two thousand two hundred and eighty-three of Howell's annotated statutes, volume three, be and the same is hereby amended to read as follows:

SEC. 4. To enable the county clerk to ascertain that the petitioners thus praying for such an election are qualified electors of such county, and that they constitute at least one-fourth of all the electors of such county, as shown by the poll list or the returns and canvass of the last preceding general election. To enable each and every elector to determine for himself if his name has been fraudulently attached to said petition, it is hereby required that the signatures of all the petitioners residing in any one and the same township, ward or election district, shall be attached to one petition or list, separate from those of any other township, ward or election district, and that an exact copy of said petition and of all the signatures thereto shall be posted in three of the most conspicuous places in the said township, ward or election district for at least ten days immediately prior to its presentation to the county clerk. Every such petition shall be accompanied by a transcript of the poll list, if it can be procured, of the last preceding general election, held in such township, ward or election district, certified as correct by the township, city or county clerk, as the case may require, and also an affidavit or affidavits, by one or more resident electors of such township, ward or election district, stating therein that an exact copy of such petition, and of all the signatures thereto, has been posted in three of the most conspicuous places in such township, ward or election district, for at least ten days immediately prior to its presentation to the county clerk; and that he or they are personally acquainted with said petitioners and know that they reside within such township, ward or election district, and that the signatures are the genuine signatures of the persons signing the petition, and of the persons whose names severally appear upon such transcript of the poll list, or if such transcript shall not have been procured, then that the persons whose names are attached to said petition are, to the best of his knowledge and belief, qualified electors in such township, ward or election district: *Provided, however,* That, if for any reason a certified transcript of any poll list shall not have been procured, or if such transcript shall be defective, it shall be sufficient if the whole number of all the petitioners is equal to one-fourth of the number of all the qualified electors of such county, as shown by the returns or county canvass of the last preceding general election.

Petition required of each township separately.

Signatures to be posted in public places.

To be accompanied by transcript of poll list.

Signatures to be posted in public places.

Provided as to transcript.

Approved June 1, 1895.

[No. 248.]

AN ACT to amend section four of article four of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," as amended by act ninety-eight of session laws of eighteen hundred and seventy-five and act forty-five of session laws of eighteen hundred and ninety-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section four of article four of act number one hundred and ninety-eight of session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," as amended by act ninety-eight of session laws of eighteen hundred and seventy-five and act forty-five of session laws of eighteen hundred and ninety-three, be and the same is hereby amended so as to read as follows, to wit:

Gates, location and construction of.

SEC. 4. All gates constructed under this act by requirement of the Commissioner of Railroads, shall be built in such manner, and within such time, and of such material as shall be approved by the Commissioner of Railroads, and shall be located on the highway or street on one or both sides of the railroad track or tracks, as the commissioner may deem the public safety to require, and shall be so constructed as, when closed, to obstruct and prevent any passage across such railroad or railroads from the side on which such gate may be located. At every gate heretofore or hereafter constructed at any crossing of a street or highway and a railroad there shall be a person, in charge at such hours of the day or night as the said Commissioner of Railroads shall from time to time order and direct, and it shall be his duty to close the same at the approach of a train of cars or of a locomotive, and to keep it open at all other times; and it shall be the duty of the gatekeeper on either side of one or more tracks, to close the gate of which he is in charge on the approach of a train of cars or locomotive, on either track. For every neglect of such duty, such person, upon conviction thereof, shall pay the sum of twenty-five dollars, or be imprisoned in the county jail for the period of ninety days, or both, in the discretion of the court. The expense incurred in the erection and maintenance of the gates provided for in this section, and of the necessary gatekeepers shall be shared equally by the railroad companies alongside whose tracks the gates

Person to be in charge of.

His duties.

Penalty for neglect.

Expense of gates.

shall be located. Any person who shall open or raise such gate when closed or lowered, or attempt so to do, or shall attempt to gain access with teams or vehicles to such crossing while the gate is closed or lowered, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten nor more than twenty-five dollars, with the alternative of imprisonment in the county jail for a period of not more than thirty days.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 249.]

AN ACT to authorize the Michigan Dairymen's Association to hold a State institute or institutes, and to give instructions to the citizens of this State in the various branches of dairying, and making an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,* That the Michigan Dairymen's Association is hereby authorized to hold a State institute or institutes, and to employ such assistance as they deem necessary, who shall give lectures and instructions in the various branches of dairying to the citizens of this State. Such institute or institutes and courses of instructions shall be held at such times and places as said association shall direct and the said association shall formulate such rules and regulations as it shall deem proper to carry on the work contemplated in this act, and may employ an agent or agents to perform such duties in connection therewith as it shall deem best.

Authorizing the holding of State institutes.

To employ assistance.

SEC. 2. For the purposes in the preceding sections the said Michigan Dairymen's Association may use such sums as it shall deem proper, not exceeding the sum of one thousand dollars, in the year eighteen hundred and ninety-five, and one thousand dollars for the year eighteen hundred and ninety-six, for the necessary current expenses of the Michigan Dairymen's Association during those years; all of which the State Treasurer shall pay to the said association on the warrants of the Auditor General, from time to time, as their vouchers for the same shall be exhibited and approved.

Appropriation, amount, how paid.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-five the sum of one thousand dollars. He shall also add to and incorporate in the State tax for the year eighteen hundred and ninety-six, the sum of one

Auditor General to incorporate in the State tax.

thousand dollars, and such amounts are hereby appropriated from the general funds of the State, which said sums shall be included in the State taxes apportioned by the Auditor General on all the taxable property of the State to be levied, assessed and collected as other State taxes, and when so assessed and collected to be paid into the general fund to reimburse said fund for the appropriation made by this act.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 250.]

AN ACT to amend section one of act number one hundred thirty-seven of the session laws of eighteen hundred forty-nine, entitled "An act to authorize proceedings against garnishees and for other purposes," approved March twenty-eighth, eighteen hundred forty-nine, the same being section eight thousand thirty-one of Howell's annotated statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred thirty-seven of the session laws of eighteen hundred forty-nine, entitled "An act to authorize proceedings against garnishees and for other purposes," approved March twenty-eighth, eighteen hundred forty-nine, the same being section eight thousand thirty-one of Howell's annotated statutes, be and the same is hereby amended so as to read as follows:

In what case
garnishee pro-
ceeds may issue.

[§ 8031.] SECTION 1. That in any action commenced before a justice of the peace, founded upon contract, express or implied, or upon judgment or decree, or after the rendition of judgment in any case, if the plaintiff, his agent or attorney, shall make and file with such justice an affidavit stating that he has good reason to believe, and does believe, that any person, naming him, has property, money or effects in his hands or under his control belonging to the defendant or any or either of the defendants in such suit, judgment or decree, or that such person is indebted to such defendant or any or either of the defendants, the justice shall issue a summons against such person requiring him to appear before such justice at a time and place mentioned in the said summons not less than six, nor more than twelve days from the date thereof, and answer under oath, all questions put to him, touching his indebtedness to such defendant, or any or either of the defendants, naming him or them, and the property, money and effects of the defendant or any or either of the defendants, in his possession, within his

knowledge or under his control; which summons shall be served and returned in the same manner as a summons issued against a defendant in other cases. The garnishee shall be entitled to the same fees as he would be if he were subpoenaed as a witness in such case.

Approved June 1, 1895.

[No. 251.]

AN ACT to provide for the payment of the expenses of the Secretary of State, State Treasurer and Commissioner of State Land Office.

SECTION 1. *The People of the State of Michigan enact,* That the Secretary of State, State Treasurer and Commissioner of the State Land Office shall be entitled to receive their necessary traveling expenses and hotel bills when traveling on State business and in attending the meetings of the Board of State Auditors, and meetings of other boards of which said officers are members. Such expenses to be paid on the warrant of the Auditor General out of any moneys in the treasury to the credit of the general fund not otherwise appropriated.

SEC. 2. The expenses provided for in section one of this act shall be itemized by the said respective officers, and be audited by the Auditor General from time to time as such bills are presented, and after being audited shall be paid as aforesaid.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 252.]

AN ACT to amend section twenty-eight of act number one hundred seventy-eight of the laws of eighteen hundred ninety-one, relative to authorizing proceedings against garnishee in certain cases.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-eight of act one hundred seventy-eight of the laws of eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

SEC. 28. In all cases where the defendant takes an appeal from the judgment in justice court, and in all cases where the judgment in justice court becomes final in favor of said defendant, the justice shall make and deliver an order or orders releasing the garnishee or gar-

Manner of proceedings against garnishees.

nishees from all liability. In all cases where the plaintiff shall appeal from the judgment rendered in justice court, the justice in making return to such appeal shall return all garnishment proceedings auxiliary to such suit, together with the main action to the court to which the appeal is taken, and thereafter proceedings against the garnishees may be conducted in said last mentioned court in the same manner in all respects as if originally commenced therein; and for the purpose of such subsequent proceedings, the answer or answers of the garnishee or garnishees made in justice court shall be considered as made in the court to which the appeal is taken upon the day upon which the justice shall make his return to such appeal.

Approved June 1, 1895.

[No. 253.]

AN ACT to amend sections one, two, three and four of act number one hundred and ninety-three of the public acts of eighteen hundred and eighty-nine, being an act entitled "An act to provide for the relief, outside of the Soldiers' Home, for honorably discharged indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children of such indigent or deceased union soldiers, sailors and marines," as amended by act number two of the public acts of eighteen hundred and ninety-three, and to add two new sections thereto to stand as section five and six of said act.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three and four of act number one hundred and ninety-three of the public acts of eighteen hundred and eighty-nine, being "An act to provide for the relief, outside of the Soldiers' Home, for honorably discharged indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children of such indigent or deceased union soldiers, sailors and marines," as amended by act number two of the public acts of eighteen hundred and ninety-three, be and the same are hereby amended so as to read as follows:

Duty of the supervisors to levy tax for relief fund.

SECTION 1. It shall be the duty of the board of supervisors of the several counties of this State to levy, in the year eighteen hundred and ninety-five, and annually thereafter, a tax not exceeding one-tenth of one mill on each dollar, to be levied and collected as provided by law, upon the taxable property of each township and city for their respective counties, for the purpose of creating a fund for the relief of honorably discharged indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children of such indigent or deceased union

soldiers, sailors and marines. Such sums when collected shall be paid to the county treasurer of each of the counties of this State, to be paid out by him upon the orders of the commission hereinafter provided, duly signed by the chairman and secretary thereof: *Provided, however,* Proviso. That in case any part of such fund shall not be necessary for the purpose for which it was raised the same shall remain in the treasury of such county as the soldiers' relief fund and shall be considered in raising future sums therefor.

SEC. 2. It shall be the duty of the judge of the court of probate in each county, in the year eighteen hundred and ninety-six, to appoint three persons, of whom two at least shall be honorably discharged union soldiers, sailors or marines, to be known as the soldiers relief commission of the county, with the powers and duties in this act provided. One of such persons shall be appointed for a term of one year, one for a term of two years and one for a term of three years, and at the expiration of the term for which each of such persons is appointed, his successor shall be appointed for the term of three years thereafter. The persons so appointed shall organize by the selection of one of their number as chairman and one as secretary, and in the event of the death, resignation, change of residence or other disability creating a vacancy, the judge of probate shall fill such vacancy by an appointment for the unexpired term. They shall each file the constitutional oath of office with the court and receive the proper certificate of their appointment. They shall be entitled to reasonable compensation for their services, to be fixed and paid by the boards of supervisors of their respective counties. Judge of probate to appoint commission. Term of appointment. Officers of.

SEC. 3. The supervisors of each township and ward in each of the counties of this State, and where there are no ward supervisors, then the aldermen of the several wards of any incorporated city in this State, shall on or before the first day in May of each year make and place in the hands of the soldiers relief commission, a list of all the persons entitled to relief under the provisions of this act, and the soldiers relief commission, on the second Monday of May in each year, shall proceed to determine the amount necessary for aid and relief to be granted such persons under this act, which shall be then and there fixed and recorded in the books to be kept by the secretary of said soldiers relief commission. The commission may determine not only the sum to be paid, but the manner of paying the same, and may discontinue payment of such relief in their discretion, and there shall be no appeal from their decisions. List of persons entitled to relief. Amount of relief, how determined.

SEC. 4. Whenever any emergency shall arise in case of sickness, accident or death, which in the opinion of any supervisor or alderman needs relief, such supervisor or alderman, where inconvenient to consult any of the com- In case of emergency supervisor or alderman shall have power to act.

mission, shall have power to draw an order on the county treasurer for a sum not to exceed ten dollars, and shall certify his action and the circumstances of the case to such soldiers' relief commission, which shall ratify the same, and such commission may grant such further relief at any time as they may deem necessary: *Provided, however,* That no claim for relief shall be allowed which shall create a deficiency in the fund.

Proviso. **New sections.** SEC. 2. That two new sections shall be added to said act to stand as sections five and six of said act, to read as follows:

Commission shall make full report. SEC. 5. Said soldiers relief commission shall make to the board of supervisors, at its October session in each year, a full report of its doings, the amount of relief fund on hand, the amount expended during the year preceding, and the amount estimated for the year ensuing, and such further information and suggestions as they may consider necessary in the discharge of their duties under this act.

Unexpended moneys may be transferred to the general fund. SEC. 6. In cases where moneys have heretofore been raised by any city or township under the provisions of the act hereby amended, the balance of moneys unexpended on the first day of April, eighteen hundred and ninety-six, may, by a vote of the common council or township board, be transferred to and made a part of the general fund of such city or township, as the case may be, and thereafter no such tax shall be levied except as provided in this act.

Approved June 1, 1895.

[No. 254.]

AN ACT to amend section fourteen of an act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April eighth, eighteen hundred and eighty-five, as amended, being section four hundred eighty-six of Howell's annotated statutes of this State.

Section amended. SECTION 1. *The People of the State of Michigan enact,* That section fourteen of an act entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April eighth, eighteen hundred and fifty-one, as amended by act fifty-nine of the session laws of eighteen hundred and fifty-five, as amended by act one hundred eighty-one of the session laws of eighteen hundred and fifty-seven, as amended by act forty-six of the public acts of eighteen hundred and

sixty-seven, be and the same is hereby amended so as to read as follows:

SEC. 14. The boards of supervisors of the several counties of this State shall have power, within their respective counties, and all territory attached thereto, by a majority of all the members elected to said board, to divide or alter in its bounds any township, or erect a new township, upon application to the board as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State, and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof in the same manner as other laws are published. Whenever it shall appear that any county is indebted to the State of Michigan, judicially or otherwise, and the amount of such indebtedness is determined and established, and duly and properly certified to the proper officers of such county, it shall be the duty of the board of supervisors, within twenty days thereafter, to meet and consider such indebtedness or judgment, and said board may at such meeting submit to a vote of the electors of the county a proposition to issue bonds, or to levy a tax to pay such indebtedness or judgment, as in this act provided

Power to make or alter township bounds.

Conditions.

Certified statement filed with county clerk and Secretary of State.

To be published with laws.

Where an indebtedness shall appear.

Duty of the board of supervisors.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[No. 255.]

AN ACT to amend act number one hundred thirty of the public acts of eighteen hundred seventy-nine, being "An act to provide for the incorporation of a grand council of the Royal Arcanum," approved May thirty-first, eighteen hundred seventy-nine, as to the provisions of section two thereof, and by adding thereto a new section to stand as section nine.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number one hundred thirty of the public acts of eighteen hundred seventy-nine, entitled "An act to provide for the incorporation of a grand council of the Royal Arcanum," approved May thirty-first, eighteen hundred seventy-nine, be and the same is hereby amended so as to read as follows:

Section amended.

Who may
incorporate.

SEC. 2. Any ten or more persons, residents of this State, being members of the grand council of the Royal Arcanum of the State of Michigan, desirous to become incorporated, may make and execute articles of association, under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:

What articles
to set forth.

First, The names of the persons associating in the first instance, and their places of residence;

Second, The corporate name by which such association shall be known in law;

Third, The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the grand council of the Royal Arcanum, and the period for which it is incorporated, not exceeding thirty years.

Section
added.

SEC. 2. There shall be added to said act number one hundred thirty of the public acts of eighteen hundred seventy-nine, a new section, to stand as section number nine, and to read as follows:

When articles of
association may
be amended.

SEC. 9. Every corporation organized or existing under the provisions of this act may at any regular meeting or at any meeting duly called for that purpose, amend its articles of association in any manner not inconsistent with the provisions of this act, but such amendment shall not become operative until a copy of such amendment signed by the presiding officer and the secretary of the corporation shall have been recorded as is provided herein for the recording of original articles of association when such amendment shall have the same force and effect as though included in the original articles.

When they
shall become
operative.

Approved June 3, 1895.

[No. 256.]

AN ACT to amend section six of act number one hundred and fifty of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the establishment and maintenance of a pardoning board, prescribing the powers and duties and repealing all acts and parts of acts in conflict therewith," and to add two new sections thereto, to stand as sections nine and ten.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number one hundred and fifty of the public acts of eighteen hundred and ninety-three, entitled "An act to provide for the establishment and maintenance of a pardoning board, prescribing the powers and duties, and repealing all acts and parts of acts in conflict

therewith," be and the same is hereby amended so as to read as follows:

SEC. 6. It shall be the duty of the board to fully and carefully investigate the merits of every application for pardon, commutation of sentence, or license to be at large and it shall thereupon recommend, in writing, to the Governor, the advisability of granting or rejecting the same. Such board shall also transmit to the Governor, with its recommendation, a full and concise statement of the facts in each case, together with all papers and documents relating thereto. No recommendation shall be made unless it shall receive the sanction of at least three members of said board.

To investigate cases for pardon and recommend to the Governor in writing.

SEC. 2. Two new sections shall be added to said act, to stand as sections nine and ten, which said sections shall read as follows:

Sections added.

SEC. 9. It shall be the duty of said board, on the first day of December in each year, to report, in writing, to the Governor, its actions during the preceding year, with suggestions as to what legislation, if any, there should be in order to carry out more fully the object and purposes of its creation, which annual report shall also contain the proceedings of the board for the preceding year in full. This report shall be published in form and manner as other State reports, and such number of copies as the Governor shall direct.

Duty of the board.

SEC. 10. When any person shall be sentenced to any of the prisons of this State, for the term of one year or more, it shall be the duty of the clerk of the court in which he was convicted to prepare, under the direction and supervision of the judge who presided at the trial, a statement, in writing, setting forth the name of such person, the date of his sentence, the offense of which he was convicted, the character of the evidence against him, the circumstances of aggravation or mitigation developed on the trial, and such facts in regard to his previous character as may then be known to said judge, together with the names and residences of the jurors and witnesses sworn on the trial, and the reasons for the sentence imposed, which statement shall be certified by the judge, and shall, within ninety days after the date of sentence, be transmitted by the clerk of such court to the Governor, to be filed in the executive office. The clerk shall receive one dollar for each of such statements prepared by him, which shall be paid in the same manner as other court expenses. It shall be the duty of the Secretary of State to prepare a blank form for such statements which shall be printed under his direction and shall be furnished by him to the clerks of the several courts of record of this State having criminal jurisdiction.

Duty of the clerk to prepare a statement.

Clerk's fee.

Blank.

Approved June 3, 1895.

[No. 257.]

AN ACT to amend section one of an act entitled "An act for the establishment of a homeopathic medical department of the University of Michigan," approved April twenty-seventh, eighteen hundred seventy-five, being section forty-nine hundred thirty-two of Howell's annotated statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred twenty-eight of the session laws of eighteen hundred seventy-five, approved April twenty-seventh, eighteen hundred seventy-five, being section forty-nine hundred thirty-two of Howell's annotated statutes, be amended so as to read as follows:

Board of regents authorized to establish.

SECTION 1. *The People of the State of Michigan enact,* That the board of regents of the University of Michigan are hereby authorized and directed to establish a homeopathic medical college as a branch or department of said University, which shall be located in the city of Detroit, and the said board of regents are hereby authorized and directed to discontinue the existing homeopathic medical college now maintained in the city of Ann Arbor as a branch of said University and to transfer the same to the city of Detroit: *Provided,* A suitable site for the location and buildings of such homeopathic medical department or college shall be donated to the State in fee simple: *And provided further,* An arrangement can be made by such regents with the trustees and managers of Grace hospital in the city of Detroit for the use of said hospital by the said homeopathic medical department, on such terms and conditions as said regents shall deem proper and necessary without any expense to the State of Michigan, financial aid or support not authorized by this act, for the use of such hospital. Upon the acceptance and recording of the title to and for such site and the completion of such agreement with the trustees of Grace hospital for the use of the same for said college under the above conditions, which agreement shall be in writing, the board of regents shall immediately proceed to the erection of the necessary buildings to carry into effect the purposes of this act, and shall from time to time make such provision as the appropriations for that purpose will allow, as may be necessary for the proper equipment and maintenance of such medical college or department. To enable the said board of regents to erect such buildings and equip the said college or medical department, the sum of twenty-five thousand dollars is hereby appropriated out of the moneys in the State treasury not otherwise appropriated, to be drawn from the general fund upon the requisition of the board of regents and the warrant of the Auditor General, as may be necessary for carrying into effect the provisions of this act. The Auditor General shall add to and incorporate with the State tax

Proviso as to donation of site.
Further proviso.

On acceptance and recording of title board of regents shall proceed to erect.

Appropriation.

Auditor General to incorporate in State tax.

for the year eighteen hundred ninety-five the sum of twenty-five thousand dollars, to be assessed, levied and collected, which sum when collected shall be passed to the credit of the general fund to reimburse it for the sum appropriated by this act: *Provided*, That nothing in this act contained shall be construed to be a non-fulfillment of the requirements and conditions provided for in act number nineteen of the public acts of eighteen hundred ninety-three, approved March twenty-third, eighteen hundred ninety-three.

This act is ordered to take immediate effect.

Approved June 3, 1895.

[No. 258.]

AN ACT to amend section eighteen of chapter two of act number one hundred sixty-four of the public acts of the Legislature of Michigan for the year one thousand eight hundred eighty-one, approved May twenty-first, one thousand eight hundred eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools and to repeal all statutes and acts contravening the provisions of this act," the same being compiler's section five thousand fifty of Howell's annotated statutes of Michigan, and section twenty-one of chapter three, as amended by act number sixteen of the session laws of one thousand eight hundred ninety-five, approved March eight, one thousand eight hundred ninety-five, entitled "An act to amend section seventeen and section twenty of chapter two, section twenty-one of chapter three, and section eleven of chapter eleven of act number one hundred and sixty-four of the public acts of one thousand eight hundred eighty-one, being sections five thousand and forty-nine, five thousand and fifty-two, five thousand and seventy-three and five thousand one hundred and forty-six of Howell's annotated statutes, entitled 'An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act.'"

SECTION 1. *The People of the State of Michigan enact*, Section amended.
That section eighteen of chapter two of act number one hundred and sixty-four of the public acts of the Legislature of Michigan for the year one thousand eight hundred and eighty-one, approved May twenty-first, one thousand eight hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools and to repeal all statutes and acts contravening the provisions of this act," the same

being compiler's section five thousand and fifty of Howell's annotated statutes of Michigan, and section twenty-one of chapter three as amended by act number sixteen [of] session laws of one thousand eight hundred and ninety-five, be and the same are hereby amended to read as follows:

Challenging voters,

Oaths to be tendered challenged voters,

SEC. 18. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the chairman shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon territory now attached to this school district, and that you pay a school district tax therein;" and every person taking this oath shall be permitted to vote upon all questions proposed at such meetings. Or he may take the following oath, to wit: "You do swear (or affirm) that you are a citizen of the United States, that you have been for the last three months an actual resident of this school district, or residing upon property now attached to this school district, and that you are the parent or legal guardian of one or more children now included in the school census of the district;" and he may vote upon all questions which do not directly involve the raising of money by tax. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall willfully take a false oath, or make a false affirmation, under the provisions of this section, shall be deemed guilty of perjury. When any question is taken in any other way than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering the vote, and treated in the same manner.

False oath deemed perjury.

CHAPTER III.

Director to be clerk,

To keep and record minutes,

To give notice of meetings,

To draw and sign warrants and orders,

To draw and sign contracts,

SEC. 21. It shall be the duty of the director of each school district:

First, To act as clerk, when present, at all meetings of the district and of the board;

Second, To record the proceedings of all district meetings, and the minutes of all meetings, orders, resolutions, and other proceedings of the board, in proper record books;

Third, To give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of law;

Fourth, To draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable

to the assessor of the district, and orders upon the assessors for all moneys to be disbursed by the district and present them to the moderator, to be countersigned by that officer. Each order shall specify the object for which, and the fund upon which, it is drawn;

Fifth, To draw and sign all contracts with teachers, when directed by the district board, and present them to the other members of the board for further signature; To draw and sign contracts.

Sixth, To provide the necessary appendages for the school-house and keep the same in good condition and repair during the time school shall be taught therein. Necessary appendages within the meaning of law shall consist of the following articles, to wit: A set of wall maps (the grand divisions, the United States and Michigan) not exceeding twelve dollars in price; a globe not exceeding eight dollars, a dictionary not exceeding ten dollars; a reading chart not exceeding five dollars, and a case for library books not exceeding ten dollars; also looking-glass, comb, towel, water pail, cup, ash pail, poker, stove shovel, broom, dustpan, duster, wash basin and soap; To provide appendages and keep school-house in repair.

Seventh, To keep an accurate account of all expenses incurred by him as director, and such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided for the purpose; To keep account.

Eighth, To present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year by the director as provided by law, and for the payment of the services of any district officer; To present estimate of expenses to annual meeting.

Ninth, To preserve and file copies of all reports made to the school inspectors, and safely preserve and keep all book, papers and other documents belonging to the office of director, or to the district when not otherwise provided for, and to deliver the same to his successor in office; To preserve records and other documents.

Tenth, To perform such other duties as are or shall be required of the director by law or the district board. Other duties.

Approved June 3, 1895.

[No. 259.]

AN ACT to amend sections three, five, nine and ten of act number one hundred and fifty-one of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks and rinks," approved April five, eighteen hundred and sixty-nine, being sections four thousand eight hundred and twenty-six, four thousand eight hundred and twenty-eight, four thousand eight hundred and thirty-two and four thousand eight hundred and thirty-

two *b* of chapter one hundred and eighty-nine of Howell's annotated statutes.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections three, five, nine and ten of act number one hundred and fifty-one of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks and rinks," approved April five, eighteen hundred and sixty-nine, being sections four thousand eight hundred and twenty-six, four thousand eight hundred and twenty-eight, and four thousand eight hundred and thirty-two *a* and four thousand eight hundred and thirty-two *b* of chapter one hundred and eighty-nine of Howell's annotated statutes, be and the same [hereby] are amended so as to read as follows:

Articles of association, where filed, etc.

SEC. 3. The articles of such association shall be filed in the office of the Secretary of State, and a duplicate of said articles shall be filed and recorded at length, in the office of the county clerk in the county where such corporation is located, and also in the county where the office of the corporation is located, and thereupon all persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name they and their successors shall have succession, and in their corporate name be capable in law of owning, holding or purchasing and disposing of, in such manner as a majority of the stockholders may direct, any real or personal property or estate, whatsoever, not exceeding in value one hundred thousand dollars, and they shall be capable of suing and being sued in all courts of law or equity in this State, and may have a common seal, and may alter and change the same at pleasure. Such corporation may alter or amend its articles of association at any regular meeting of the stockholders, or at any special meeting called for that purpose by a vote of not less than two-thirds of all the shares of the stock of said corporation. Such corporation shall cause any such amendment or amendments subscribed by at least two-thirds of all the shares of the stock of said corporation, and certified by its president and secretary, to be filed and recorded in the same manner as in the case of the original articles of association, and when so filed and recorded such amendments shall become a part of the articles of association.

Body politic and corporate.

Amount of capital shall be fixed by stockholders, etc.

SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders. in their articles of association, and shall in no case be more than one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and such certificates of stock shall be signed by the president and secretary of the company, and sealed with the corporate seal.

Each stockholder shall be entitled to cast one vote for each and every share he shall own of the capital stock of such company at any and all meetings of stockholders of said corporation for whatsoever purpose the same may be held, and may vote or perform any act by his or her attorney or proxy duly authorized in writing for that purpose at any meeting at which such stockholders may vote or act if present in person, such authorization being filed with the secretary of said company.

SEC. 9. The stock, property and affairs of such corporation shall be managed by a board of directors, to consist of not less than three, nor more than eleven, as their articles of association shall determine, who shall be stockholders of the corporation, who shall be elected at the annual meeting, and shall hold their office for one year, and until their successors shall be elected. The election shall be made pursuant to notice as hereinbefore provided, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and the persons having the greatest number of votes shall be directors. Whenever a vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of the term, by the remaining directors, and no person shall be a director unless he shall be a stockholder in said company, and if any director shall cease to own any stock of said corporation, he shall cease to be a director.

Directors;
powers of.

Election of.

Term of office.

Notice of
election.

Vacancies,
how filled.

SEC. 10. A majority of the directors shall be a board for the transaction of business. The board shall in no case in any one year authorize any expenditure or incur any liability in behalf of such corporation to exceed one thousand dollars, unless authorized by a majority of all the shares of stock of said corporation.

Power of major-
ity of board.

This act is ordered to take immediate effect.

Approved June 3, 1895.

[No. 260.]

AN ACT to amend section six of act number one hundred and thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane, and regulating the care and management thereof, and of the inmates therein, and to repeal act number one hundred and sixty-four, laws of eighteen hundred and fifty-nine; also act one hundred and ninety-four, laws of eighteen hundred and seventy-seven; also act number ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereof; also act number one hundred and seventy-two, laws of eighteen hundred and seventy-three," approved June third, eighteen hun-

dred and eighty-five, being compiler's section number nineteen hundred and thirty a five, volume three of Howell's annotated statutes of the State of Michigan.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number one hundred and thirty-five of the public acts of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane, and regulating the care and management thereof, and of the inmates therein, and to repeal act number one hundred and sixty-four, laws of eighteen hundred and fifty-nine; also act number one hundred and ninety-four, laws of eighteen hundred and seventy-seven; also act number ninety-one, laws of eighteen hundred and seventy-three, and the acts amendatory thereof; also act number one hundred and seventy-two, laws of eighteen hundred and seventy-three," approved June third, eighteen hundred and eighty-five, being compiler's section number nineteen hundred and thirty a five, volume three of Howell's annotated statutes of the State of Michigan, be and the same is amended so as to read as follows:

To fix salaries.

SEC. 6. Each board of trustees shall, from time to time, determine the annual salaries and allowances of the officers of the asylum under its charge, and such salaries shall not exceed in the aggregate the sum of twelve thousand dollars for any one year: *Provided*. That the amount to be used for salaries by the Upper Peninsula Hospital for the Insane, located at Newberry, shall not exceed in the aggregate the sum of eight thousand dollars for any one year until there shall be five hundred or more patients under treatment in said hospital.

Proviso as to amount to be used by the Upper Peninsula Hospital.

Approved June 3, 1895.

[No. 261.]

AN ACT to establish a normal school in central Michigan.

Central Michigan normal school established.

SECTION 1. *The People of the State of Michigan enact*, That a normal school for the preparation and training of persons for teaching in the rural district schools, and the primary departments of the graded schools of the State, to be known as "Central Michigan Normal School," be established and continued at the city of Mount Pleasant in Isabella county, to be located upon block ten of the normal school addition to said city, known as "Normal Campus," and being a block of land in area between eight and ten acres.

SEC. 2. The State Board of Education is hereby authorized and directed to procure a good and sufficient deed of conveyance, to be accompanied with abstract of title and tax history, to be approved by the Attorney General, conveying to the said Board of Education and its successors a good and unincumbered title in fee simple to said lands and buildings thereon, for such school, and a proper article of sale of all the library, school furniture and apparatus therein, said lands and buildings and personal property to be donated to the State of Michigan, in consideration of the establishment of said school, and to be conveyed within thirty days after the passage of this act.

State Board of Education, to procure deed of conveyance, etc.

SEC. 3. Said school shall be under and subject to the control of the State Board of Education, according to the provisions of act number one hundred ninety-four of the public acts of eighteen hundred and eighty-nine, of Michigan, entitled "An act to revise and consolidate the laws relative to the State Board of Education, and amendments hereto," which is made applicable to this school, except as herein otherwise provided.

School to be under control of State Board of Education.

This act is ordered to take immediate effect.

Approved June 3, 1895.

[No. 262.]

AN ACT to provide for the incorporation of mutual fire insurance companies, limited, and defining their powers and duties.

SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than seven, may associate together and form an incorporated company for the purpose of mutual insurance of the property of its members, against loss by fire or damage by lightning, which property to be insured may embrace schoolhouses, literary and grange halls, churches, agricultural societies buildings, dwelling houses, barns, accompanying outbuildings and their contents, farm implements, hay, grain, wool, and other products, live stock, wagons, carriages, harness, household goods, wearing apparel, provisions, musical instruments, and libraries, being upon farms as farm property, or dwellings, accompanying outbuildings, and such other buildings as are specified in this section, that constitute detached risks in villages and cities, and their contents, as the charters and by-laws of said companies may provide, and belonging to members of said companies; and all holders of policies of such incorporated companies, whether residing within or without this State, are thereby members of the company issuing such policy, which policy

Seven or more persons may incorporate.

need not be in the form of words prescribed under the act to establish a uniform policy of insurance.

Statement to
be filed with
Commissioner
of Insurance.

SEC. 2. Such persons so associating shall file in the office of the Commissioner of Insurance a statement, signed by all the corporators stating their purpose of forming a company for the transaction of the business of insurance as expressed in the first section of this act, which statement shall also comprise a copy of the articles of association proposed to be adopted by them; and shall publish a notice of such their intention, once in each week for at least five successive weeks, in a public newspaper published in the county in which the office of such company is proposed to be located.

May open books
and receive
propositions.

Proviso.

SEC. 3. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books to receive propositions and enter into agreements in manner hereinafter specified, and in accordance with the articles of association of said company: *Provided, however,* That insurance companies organized as aforesaid shall not commence business until *bona fide* agreements have been entered into with each for insurance with at least ten individuals, covering property to be insured to the amount of not less than fifty thousand dollars.

May hold certain
real estate.

SEC. 4. The companies formed under this act shall not purchase or hold any real estate except:

First, Such as shall be necessary for their immediate accommodation in transacting business; or

Second, Such as shall have been conveyed or mortgaged to the companies in good faith by way of security for debts; or

Third, Such as shall have been conveyed to the companies in satisfaction for debts; or

Fourth, Such as shall have been purchased at sales upon judgments, decrees, or mortgages in favor of said companies, or held or owned by them. And all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in any such company, unless the company shall procure a certificate from the Commissioner of Insurance that the interest of said company will materially suffer by forced sale in which event the sale may be postponed for such period as the said Commissioner of Insurance shall direct in said certificate, not exceeding ten years in all.

Duty of cor-
porators.

Articles of asso-
ciation to be filed
with and ap-
proved by the
Commissioner
of Insurance.

SEC. 5. It shall be the duty of the corporators of any company organized under the provisions of this act to declare in its articles of association, which is hereby required to be filed with and approved by the Commissioner of Insurance the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised; the mode and manner of choosing officers, trustees, or directors, who shall each and all of them be residents of this State; the filling of vacancies;

the period for the commencement and termination of its fiscal year; and shall prescribe the liabilities of the members to be assessed towards defraying the losses and expenses of such companies, and the mode and manner of collecting such assessments, and the members shall be liable to assessment for all liabilities of the company to the extent declared in the articles of association; and the liability of the persons insured in such companies and the members thereof, for the losses or expenses of such companies, shall not exceed the liabilities assumed by such persons when taking such insurance or by such member when joining such company, and on payment in full by such person or member of the amount assumed or agreed to be paid on taking such insurance, or on becoming a member of such company, the said persons so insured as aforesaid and the said members of such companies shall be released and absolved from any and all further liability, for such losses or expenses.

Liability of persons insured.

SEC. 6. The articles of association thus to be filed by any such corporation shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act, he shall certify the same to the Commissioner of Insurance, and said commissioner, in person or by his deputy, or by the appointment of some other disinterested person for that purpose, shall, if he approve the articles of association, examine and certify under oath that any such company has received and is in actual possession of the premiums or engagements of insurance, as the case may be, to the full extent required by this act. Copies of such certificate shall be filed in the office of the Commissioner of Insurance, whose duty it shall then be to furnish the corporation with a certified copy of the charter and of the certificates aforesaid, which, upon being filed by them in the county clerk's office of the county in which the office of any such company is located, shall be their authority to commence business and to issue policies of insurance, and the same may be used in evidence for or against said corporation. And suits may be brought against any such company in any county in this State in which it shall do business or take risks in which the plaintiff resides, or in the county where the principal office of the company is located.

Articles of association to be examined by Attorney General.

Copies of certificate of approval to be filed with Commissioner of Insurance. Duty of Commissioner.

SEC. 7. The incorporators, trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws not inconsistent with the constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs, but such by-laws shall not be operative until filed with and approved by the Commissioner of Insurance, who shall furnish the company with a certified copy thereof.

By-laws.

To be filed with and approved by Commissioner of Insurance.

SEC. 8. Any company formed under this act shall be deemed a body corporate and politic, in fact and in name,

Body corporate and politic.

and shall be subject to all the provisions of the statute in relation to corporations, so far as they are applicable.

Power to annul articles of association.

Amendments to be submitted to Attorney General.

Copy to be filed with Commissioner of Insurance and county clerk.

Suits at law may be maintained against members.

Annual statement to be filed with Commissioner.

What to contain.

SEC. 9. Any such company formed under this act shall have power to amend its articles of association at the regular annual meeting held according to the provisions of said articles of association and upon giving notice of such intention by printed circular, or postal card, or letter, to be addressed and sent by mail at least three weeks previous to such meeting to all the members, officers, trustees and directors of such company. Said amendments so had shall be submitted to the Attorney General and his certificate of compliance with the law obtained, and a copy of said amendments with said certificates shall be filed in the office of the Commissioner of Insurance, and if he approve of such amendments shall make a certified copy thereof and deliver the same to the company, which upon being filed with the county clerk of the county in which the office of such company is located, shall become operative.

SEC. 10. Suits at law may be maintained by corporations formed under this act against any of its members, for any cause relating to the business of such corporation; also suit at law may be prosecuted and maintained by any member against such corporations for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. The articles of association and by-laws of any such company organized under the provisions of this act may provide for the receiving of applications or agreements from its members for insurance, with or without taking from the insured any premium note or notes, and it shall be lawful for such mutual insurance companies, limited, to make assessments upon such agreements, or policies issued thereon, or upon the premium note or notes, as the case may be, *pro rata*, according to the amount of such agreement or policies, or premium note or notes for the payment of the losses and expenses incurred by such companies, and all such premium notes, or agreements, or assessments, shall be a lien upon the property insured to the amount of such note, notes, agreements, assessments, costs and interest due thereon.

SEC. 11. It shall be the duty of the president, or vice president, and secretary of any such company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare under their own oath and deposit in the office of the Commissioner of Insurance, a statement of the condition of such company on the thirty-first day of December then preceding, exhibiting the following facts and items, namely:

First, The number of members belonging to the company; the number of members added during the year; the number of members who have withdrawn, or whose policies have been canceled during the year;

Second, The amount of property at risk December thirty-first of the previous year; the amount of risks added during the year; the amount of risks canceled, withdrawn or terminated during the year, and the net amount at risk by the company;

Third, The amount of premium or deposit notes, or agreements in force; the amount of cash premiums or assessments actually on hand; the amount of outstanding assessments not canceled; the nature and amount of all other resources; the total amount of resources;

Fourth, The claims of losses due and payable; the claims for losses not matured; the claims for losses resisted; the nature and amount of all other claims, due or accrued, and the total amount of liabilities;

Fifth, The amount of premiums on deposit notes taken during the year; the amount of cash premiums received during the year; the amount collected on assessments which were levied during the year; the amount collected during the year on assessments which were levied in prior years; the amount received from membership or policy fees, or from any other sources, constituting an expense to the insured; the amount received from percentage on increased or decreased insurance; the income from all other sources, and the total income;

Sixth, The amount paid for losses during the year, stating the amount of same which was for losses of previous years; the amount of salary and fees paid to other officers and directors; the amount of all other expenditures during the year, and the total expenditures during the year;

Seventh, The Commissioner of Insurance may, from time to time, [make] making any change in the form of annual reports to be made by such companies, to elicit further information regarding the condition of the company.

SEC. 12. A copy of every such sworn statement and report shall in said month of January be published at least twice in said month in a newspaper published in the county where the business office of the company is located; also a copy of such sworn statement shall be filed in the office of the county clerk of such county where the office of the company is located; also a copy of such sworn statement with an additional affidavit showing that the same has been published, and that the same has been filed in the office of the county clerk as herein provided, shall be filed in the office of the Commissioner of Insurance; and if upon examination of such annual statement, or of the affairs of the company, it shall appear to the Commissioner of Insurance that the losses and expenses of any company organized under this act have, during the year, exceeded the cash premiums and assessments collected to such an extent as to imply a doubt in the mind of said Commissioner of Insurance, as to the solvency of said company, and its ability to pay all its losses and other debts, it shall be the duty of said Commissioner of

Copy of statement and report to be published

Copy to be filed with county clerk.

Copy and affidavit of publication to be filed with Commissioner of Insurance.

Insurance to notify the officers of said company to, at the end of sixty days from the date of such notice, discontinue the issuing of policies, and to suspend its business until such time as that the officers and directors of said company shall collect assessments, and pay such losses and debts, and satisfy said Commissioner of Insurance of the solvency of such company.

Neglect of duty
a misdemeanor.

Penalty.

Books to be
open to the
examination of
officers and
members.

When receiver
to be appointed.

Duties of
receiver.

SEC. 13. In case the officers or directors of such company shall neglect or refuse to perform any of the duties required of them by this act, or shall knowingly make or permit to be made any false or imperfect statement in any annual or other report required to be made by them; or shall knowingly aid in, or formally consent to, any violation of any of the provisions of this act; then in such case every such director, officer or person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by fine not exceeding five hundred dollars or to imprisonment not exceeding one year; and in case such neglect or refusal on the part of such officers or directors to conform to and be guided by the requirements of this act is known to the Commissioner of Insurance, it shall be his duty to notify the prosecuting attorney of the county where the office of such company is located, whose duty it shall then be to commence legal proceedings against such officers or directors to enforce the penalty hereby imposed.

SEC. 14. The books of any such company shall be open to the examination of any and all the officers and of the members at any time; also to the inspection of the Commissioner of Insurance in person, or by deputy, whenever he shall deem an examination necessary.

SEC. 15. In case of insolvency, neglect or refusal of any such company to meet its liabilities and discharge all outstanding claims against such company, the Commissioner of Insurance may in person or by counsel appear in the circuit court of the county where the office of such company is located, and move for the appointment of a receiver for said company, and the company may also be heard upon such motion, and if it shall appear to the satisfaction of the court that the affairs of the company are in such condition that such motion for the appointment of a receiver should be granted, the said court shall then and there appoint a receiver for such company, who shall be empowered to take possession of all books, papers, moneys, and personal property of such company, and shall at once proceed to the collection of funds and the liquidation of the liabilities of such company, in accordance with the provisions of this act and in conformity to the charter and by-laws of such company. Such receiver shall keep an accurate account of all moneys or other property received by him; he shall pay over all moneys by him collected and the proceeds of all personal property *pro rata* upon the liabilities of the company, retaining therefrom for his services

and expenses such an amount as the court may deem reasonable; he may sue for and recover any legal assessment made upon the policy holders or members of the company, and he shall use due diligence in the settlement of the affairs of the company, and make his final report to the court making the appointment from whence he shall get his formal discharge.

Approved June 4, 1895.

[No. 263.]

AN ACT to amend act number one hundred nineteen of the public acts of eighteen hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations; to provide for their incorporation and the regulation of their business, and for the punishment for violation of the provisions of the act of their incorporation, and to repeal all existing acts inconsistent therewith," approved May twenty-fifth, eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section twenty of act number one hundred nineteen of the public acts of one thousand eight hundred ninety-three, entitled "An act to define what shall constitute fraternal beneficiary societies, orders or associations, to provide for their incorporation and the regulation of their business, and for the punishment for violation of the act of their incorporation, and to repeal all existing acts inconsistent therewith," approved May twenty-fifth, one thousand eight hundred ninety-three, be and the same is hereby amended so as to read as follows:

SEC. 20. Nothing in this act contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficiary societies, order or association, which limits its certificate holders to a particular religious denomination, or to the employes of a particular town or city designated, firm, business house or corporation, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, as they now exist, nor any grand, subordinate lodge, or other body of Free and Accepted Masons, nor the grand nor any subordinate lodge of the Knights of Pythias, exclusive of the endowment rank: *Provided,* That the United States Benevolent Society of Saginaw, the Michigan Home and Hospital Association of Grand Rapids, the National Protective Society of Bay City, the American Benevolent Society of Traverse City, heretofore incorporated and doing business, are hereby exempted from the provisions of said act requiring a lodge

Not to affect certain lodges.

Provide as to societies exempted.

system with ritualistic form of work, on complying with all other provisions of said act.

This act is ordered to take immediate effect.

Approved June 3, 1895.

[No. 264.]

AN ACT to divide the State of Michigan into thirty-two senatorial districts.

Senate districts.

SECTION 1. *The People of the State of Michigan enact,* That this State be divided into thirty-two senatorial districts, and that each district shall be entitled to elect one Senator, and that the districts shall be constituted and numbered as follows, to wit:

The first district shall consist of the ninth, eleventh, thirteenth and fifteenth wards of the city of Detroit, and the townships of Grosse Pointe, Gratiot, Hamtramck, Greenfield, Redford, Livonia and Plymouth, in the county of Wayne.

The second district shall consist of the first, second, third, fifth and seventh wards of the city of Detroit, in the county of Wayne.

The third district shall consist of the fourth, sixth, eighth and tenth wards of the city of Detroit, in the county of Wayne.

The fourth district shall consist of the twelfth, fourteenth and sixteenth wards of the city of Detroit, the townships of Canton, Nankin, Dearborn, Springwells, Van Buren, Romulus, Taylor, Ecorse, Sumpter, Huron, Brownstown and Monguagon and the city of Wyandotte, in the county of Wayne.

The fifth district shall consist of the counties of Lenawee and Monroe.

The sixth district shall consist of the counties of St. Joseph, Branch and Hillsdale.

The seventh district shall consist of the counties of Berrien and Cass.

The eighth district shall consist of the counties of Allegan and Van Buren.

The ninth district shall consist of the counties of Calhoun and Kalamazoo.

The tenth district shall consist of the counties of Jackson and Washtenaw.

The eleventh district shall consist of the county of St. Clair.

The twelfth district shall consist of the counties of Oakland and Macomb.

The thirteenth district shall consist of the counties of Genesee and Livingston.

The fourteenth district shall consist of the counties of Ingham and Shiawassee.

The fifteenth district shall consist of the counties of Barry and Eaton.

The Sixteenth district—The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and twelfth wards of the city of Grand Rapids, in the county of Kent.

The Seventeenth district—The tenth and eleventh wards of the city of Grand Rapids, and the townships of Tyrone, Solon, Nelson, Spencer, Sparta, Algoma, Courtland, Oakfield, Alpine, Plainfield, Cannon, Grattan, Walker, Grand Rapids, Ada, Vergennes, Wyoming, Paris, Cascade, Lowell, Byron, Gaines, Caledonia and Bowne, in the county of Kent.

The eighteenth district shall consist of the counties of Ionia and Montcalm.

The nineteenth district shall consist of the counties of Gratiot and Clinton.

The twentieth district shall consist of the counties of Huron and Sanilac.

The twenty-first district shall consist of the counties of Lapeer and Tuscola.

The twenty-second district shall consist of the county of Saginaw.

The twenty-third district shall consist of the counties of Muskegon and Ottawa.

The twenty-fourth district shall consist of the counties of Bay, Midland and Arenac.

The twenty-fifth district shall consist of the counties of Newaygo, Mecosta, Isabella and Osceola.

The twenty-sixth district shall consist of the counties of Manistee, Mason, Lake and Oceana.

The twenty-seventh district shall consist of the counties of Wexford, Benzie, Leelanau, Grand Traverse, Charlevoix, Kalkaska and Antrim.

The twenty-eighth district shall consist of the counties of Gladwin, Oscoda, Alcona, Ogemaw, Iosco, Crawford, Missaukee, Roscommon and Clare.

The twenty-ninth district shall consist of the counties of Cheboygan, Presque Isle, Otsego, Montmorency, Alpena and Emmet.

The thirtieth district shall consist of the counties of Chippewa, Mackinac, Luce, Schoolcraft, Delta and Menominee.

The thirty-first district shall consist of the counties of Marquette, Dickinson, Iron and Alger.

The thirty-second district shall consist of the counties of Baraga, Houghton, Keweenaw, Isle Royal, Ontonagon and Gogebic.

SEC. 2. The election returns of each county forming one district shall be made to the county clerk's office of said county. The election returns of each district com-

Election
returns.

posed of more than one county shall be made to the county clerk's office of the county in which the largest total vote for presidential electors was cast at the last preceding presidential election. The election returns of each district composed of a portion of a county shall be made to the county clerk's office of said county.

Approved June 3, 1895.

[No. 265.]

AN ACT making an appropriation for the general expenses of the State government, salaries of State officers, expenses of the State departments and expenses of the Legislature for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, and to provide a tax for the payment of the same.

Appropriation to pay salaries and to defray expenses of State government.

SECTION 1. *The People of the State of Michigan enact,* That there shall be levied upon the aggregate of taxable real and personal property of the State in the year eighteen hundred and ninety-five the sum of nineteen hundred thousand dollars, and for the year eighteen hundred and ninety-six the sum of one million one hundred and seventy-one thousand dollars, to be raised by tax, and the [same] sum is hereby appropriated for the payment of salaries of State officers and other expenses of the State government for the aforesaid years, which are not otherwise provided for.

Apportionment of tax.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties of this State as provided by law for the apportionment of State taxes.

This act is ordered to take immediate effect.

Approved June 3, 1895.

[No. 266.]

AN ACT relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith.

Bonds provided by a surety company to be accepted in full.

SECTION 1. *The People of the State of Michigan enact,* That whenever any bond, undertaking, recognizance or other

obligation is by the law of the State or by the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, or in any judicial or other proceeding, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by a surety company qualified to act as surety or guarantor, as hereinafter provided, and such execution by such company of such bond, undertaking, recognizance, obligation or guarantee shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule, regulation or order that such bond, undertaking, obligation, recognizance, or guarantee shall be executed by one surety, or by one or more sureties, or that such sureties shall be residents or householders or freeholders, or either or both, or possess any other qualification.

SEC. 2. In any cause, matter or proceeding where, by the laws of this State, the giving of any bond is required or permitted, and more than one surety is required, it shall be lawful for the court, officer or person who is authorized or required by law to approve and accept such bond, to accept and approve a bond with but one surety, provided the surety thereto is a corporation qualified to act as surety or guarantor as hereinafter provided.

When it shall be lawful to accept one surety.

SEC. 3. That such company, to be qualified to so act as surety or guarantor, must be authorized under the laws of the State where incorporated and under its charter to guarantee the fidelity of persons holding places of public or private trust, and to guarantee the performance of contracts other than insurance policies, and to execute bonds and undertakings required or permitted in actions or proceedings or by law allowed; must comply with the requirements of the laws of this State applicable to such company, in doing business therein; must have good available assets in excess of its liabilities, which said liabilities, however, shall for the purposes of this act, be taken to be its capital stock, its outstanding debts, and a premium reserve at the rate of fifty per centum of the annual premium on all outstanding obligations in force; must file with the Insurance Commissioner a certified copy of its charter or act of incorporation, a written application to be authorized to do business under this act and a statement signed and sworn to by at least two of its officers, stating the amount of its paid up cash capital, particularizing each item of investment, the amount of premium on existing bonds upon which it is surety, the amount of liability for unearned portion of such premiums, estimated at the rate of fifty per centum of the annual premium on all outstanding obligations; stating also the amount of its outstanding debts of all kinds, and such further statement

What companies are qualified.

Certified copy of charter to be filed with Insurance Commissioner.

Capital, how
invested.

similarly verified as may be by the laws of this State required of such company in transacting business therein. And if such company be organized under the laws of this State, it must have an unimpaired, safely invested capital of at least two hundred thousand dollars; must have at least one hundred thousand dollars invested in securities created under or by the laws of the United States, or of this State, the value of which shall be at or above par and shall be deposited with or held by the State Treasurer of this State in trust for the benefit of the holders of the obligations of such company; and if such company be organized under the laws of any other State than this State, it must have a fully paid up and safely invested and unimpaired capital of at least two hundred and fifty thousand dollars, and have at least two hundred thousand dollars in good, dividend paying or interest bearing stock or securities created under or by virtue of the laws of the United States or of the State where it is incorporated, or of good, solvent, dividend paying corporations, or in first mortgages on unincumbered real estate worth at least double the amount loaned thereon, which said stocks, securities or mortgages shall be at or above par in value and be deposited with or held by the State officer or officers of not more than two states wherein the company is authorized to do business in trust, for the benefit of the holders of the obligations of such company; must appoint an attorney in this State on whom process of law can be served, and file in the office of the Insurance Commissioner a written statement duly signed and sealed, certifying such appointment and which shall continue until another attorney is substituted.

Must appoint an
attorney.

Insurance Com-
missioner to
issue certifi-
cates.

SEC. 4. That upon production of proof to the Insurance Commissioner by such company that it possesses the qualifications by this act required and has complied therewith, he shall issue to such company and such of its agents in this State, his certificate that such company is for the ensuing year authorized to become and be accepted as sole surety on all bonds, undertakings and obligations, required or permitted by law, or by the charter, ordinances, rules and regulations of any municipality, board, body, organization or public officer, which said certificate shall be conclusive proof of the solvency and credit of such company for all purposes and of its right to be so accepted as such sole surety and its sufficiency as such.

Company to file
statement
annually.

SEC. 5. That such company shall also annually, during the month of January, file with the Insurance Commissioner a statement similar to that hereinbefore in section two of this act provided for, made up to the thirty-first day of December next preceding, together with a certificate from the officer with whom the deposit in section two of this act specified is required to be made, describing such securities so deposited and the manner in which they are held by him, and stating that he is satisfied that such securities are

fully worth the amount so required by said section two of this act to be deposited and also furnish said Insurance Commissioner with such further statement as may be by the laws of this State required of such company; and upon the filing of such annual statement and the proof of such facts, said Insurance Commissioner shall thereafter issue to such company and each of its agents in this State his certificate that such company is for the ensuing year authorized as in section three of this act provided, which said certificate shall be proof as in such section specified.

SEC. 6. That it shall be lawful for any party of whom a bond or undertaking is required, and whose surety thereon is such a company, to agree with such surety, for the deposit of any and all moneys and other depositable assets for which such surety is or may be held responsible, with a trust company, safe deposit company or bank, authorized by law to transact business as such in this State, if such deposit is otherwise proper, in such manner as to prevent the withdrawal of such moneys and assets or any part thereof, except with the written consent of such surety, or an order of the court made on such notice to them as such court may direct.

When lawful to require deposits to be made.

SEC. 7. Such surety or the representative of any such surety upon the bond of any trustee, conservator, guardian, assignee, receiver, executor or administrator or other fiduciary may apply by petition to the court wherein such bond is filed or which may have jurisdiction of such trustee, conservator, guardian, assignee, receiver, executor or administrator, or to a judge of said court praying to be relieved from such liability as such surety, for the acts or omissions of the trustee, conservator, guardians, assignee, receiver, executor or administrator or other fiduciary which may occur after the date of the order relieving such surety, to be granted as herein provided for, and to require such trustee, conservator, guardian, assignee, receiver, executor or administrator, or other fiduciary, to show cause why he should not account, and such surety be relieved from such future liability as aforesaid, and such principal be required to give a new bond, and thereupon, upon the filing of such petition, the court in term time, or a judge thereof in vacation, shall issue an order to show cause, returnable at such time and place and to be served in such manner as such court or judge may direct, and may restrain such trustee, conservator, guardian, assignee, receiver, executor or administrator or other fiduciary from acting, except in such manner as it may direct to preserve the trust estate; and upon the return of such order to show cause, if the principal in the bond account in due form of law and file a new bond, duly approved, then such court or judge may make an order releasing such surety, filing the petition as aforesaid, from liability upon the bond for any subsequent acts or defaults of such principal, and in default of such principal thus accounting and

When sureties may be relieved from liability.

filing such new bond, such court or judge must make an order, directing such trustee, conservator, guardian, assignee, receiver, executor or administrator or other fiduciary, to account in due form of law, and that if the trust fund or estate shall be satisfactorily accounted for and delivered or properly secured, such surety shall be discharged from any and all further liability as such, for the subsequent acts or omissions of the trustee, conservator, guardian, assignee, receiver, executor or administrator, or other fiduciary, after the date of such surety being so relieved and discharged, and discharging such trustee, conservator, assignee, receiver, executor or administrator, or other fiduciary.

May include as
lawful expenses.

SEC. 8. That any receiver, assignee, guardian, conservator, trustee, executor or administrator, or other fiduciary, required by law or the order of any court or judge to give a bond as such, may include, as a part of the lawful expense of executing his trust, such reasonable sum paid a company authorized under this act so to do, for becoming his surety on such bond, as may be allowed by the court in which he is required to account, or a judge thereof, not exceeding, however, one per centum per annum of the amount of such bond; and in all actions or proceedings the party entitled to recover costs or disbursements may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any bond, undertaking, recognizance or other obligation therein.

No company
signing bond
shall deny its
corporate power.

SEC. 9. That no company, having signed such a bond, undertaking or obligation, shall be permitted to deny its corporate power to execute such instrument or incur such liability in any proceedings to enforce liability thereunder.

All conflicting
acts repealed.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed, in so far as they conflict herewith.

Approved June 4, 1895.

[No. 267.]

AN ACT to amend sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, as amended by act number one hundred thirteen of the public acts of eighteen hundred seventy-one, as amended by act number one hundred thirty-eight of the public acts of eighteen hundred seventy-five, as amended by act number sixteen of the public acts of eighteen hundred eighty-one, as amended by act number eighty-three of the public acts of eighteen hundred eighty-five, being an act entitled "An act to authorize dissection in certain cases, for the advancement of science."

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and two of act number one hundred eighty-six of the public acts of eighteen hundred sixty-seven, as amended by act number one hundred thirteen of the public acts of eighteen hundred seventy-one, as amended by act number one hundred thirty-eight of the public acts of eighteen hundred seventy-five, as amended by act number sixteen of the public acts of eighteen hundred eighty-one, as amended by act number eighty-three of the public acts of eighteen hundred eighty-five, being an act entitled "An act to authorize dissection in certain cases, for the advancement of science," be and the same are hereby amended so as to read as follows:

SECTION 1. Any member of either of the following boards, and any of the following named officers or persons, to wit: The board of health of any city, village or township, the common council of any city, board of trustees of any village, any board or officer having the direction, management, charge or control, in whole or in part, of any prison, house of correction, workhouse, jail or lock-up, founded or supported in whole or in part at public expense, having in his or their possession or control, the dead body of any person not claimed by any relative or legal representative; or the county superintendent of the poor, keepers of poorhouses and almshouses, any physician or other person in charge of any poorhouse or almshouse, or charitable institution, sheriff or coroners, having in his or their possession or control the dead body of any person not claimed by any relative, personal friend or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institutions, or the dead body of any convict who died in prison under sentence for murder or attempt to murder, shall deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, to the express or railway company at the nearest railway station, placed in a plain coffin, and enclosed in a strong box, securely fastened and plainly directed to the "Demonstrator of Anatomy of the University of Michigan, Ann Arbor, Michigan," excepting only the dead bodies of such persons as shall have died with small-pox, diphtheria or scarlet fever: *And provided,* That the foregoing shall be inapplicable to and without force and effect within the county of Wayne. And within the county of Wayne, the board of health of any city, village or township, the common council of any city, board of trustees of any village, any board or officer having the direction, management, charge or control, in whole or in part, of any prison, house of correction, workhouse, jail, lock-up, founded or supported in whole or in part at public expense, having in his or their possession or control, the dead body of any person not claimed by any

Provision for furnishing University with certain subjects for dissection.

Bodies of convicts, murderers, etc., how disposed of.

Proviso as to county of Wayne.

Disposition of
bodies of con-
victs, etc., who
die in prison.

Officers making
shipment to take
receipt, etc.

Cost of bodies to
University.

Cost of bodies to
Detroit College
of Medicine.

relative or legal representative; or the county superintendents of the poor, keepers of poorhouses and almshouses, any physician or other person in charge of any poorhouse or almshouse, or charitable institution, the sheriff or coroners having in his or their possession or control the dead body of any person not claimed by any relative, personal friend or legal representative, as hereinafter provided, and which may be required to be buried at public expense, or the expense of any one of such public institutions or the dead body of any convict who died in prison under sentence for murder or attempt to murder, shall by the most speedy means deliver such dead body or bodies within thirty-six hours after death, or after he or they shall become possessed thereof, placed in a plain coffin, and enclosed in a strong box securely fastened, to the Demonstrator of Anatomy of the Detroit College of Medicine, or to the "Demonstrator of Anatomy of the Michigan College of Medicine and Surgery," and said box shall be plainly directed to the "Demonstrator of Anatomy of the Detroit College of Medicine," or to the "Demonstrator of Anatomy of the Michigan College of Medicine and Surgery, Detroit, Michigan," excepting only the dead bodies of such persons as shall have died from small-pox, diphtheria or scarlet fever. And such boards, common councils, officers or other persons making such shipment or delivery, shall, as the case may be, take the usual shipping receipt or a fully particularized receipt for such package, and shall notify the consignee of such shipment or delivery, by letter mailed on the day the package is so delivered to the express or railway company as aforesaid, or within the county of Wayne delivered concurrently by messenger or otherwise with the delivery of such package, and shall also enclose in such letter, a statement giving, as nearly as can be ascertained, the name, age, residence and cause of death of such deceased person, and the name and postoffice address of the known relative or relatives of such deceased person, whose body has been shipped or is being delivered as aforesaid; and also a statement of the costs and expenses which have been incurred in the procuring of the coffin, box, preparation of the body for shipment or delivery, as the case may be, and the shipping or delivery of the same, and upon the receipt of a package so shipped to him, the demonstrator of anatomy of the University of the State of Michigan shall immediately forward to such officer, board, council or institution, or person or persons making such shipment or incurring such expenses, the amount thereof, not exceeding in any case the sum of fifteen dollars. Upon the receipt of a package so delivered to him, the demonstrator of anatomy of the Detroit College of Medicine, or of the Michigan College of Medicine and Surgery, as the case may be, shall immediately forward to such officer, board, council or institution, or person or persons

making such delivery, or incurring such expenses, the amount thereof not exceeding in any case the sum of seven dollars: *Provided*, Such dead body shall not be so shipped or delivered as aforesaid, if it shall be requested in good faith, for interment by any relative before the same shall have been shipped or delivered as aforesaid, and in case the dead body of any person so delivered or shipped as aforesaid, be subsequently claimed or demanded of either of said demonstrators of anatomy, or of any other person or institution, into whose possession or under whose control it may have been placed by virtue of the provisions of this law, by any relative or legal representative of such deceased person for private interment, it shall be given up to such claimant, even after the same shall have been interred as hereinafter provided, after they shall have paid the actual expenses incurred and paid by the demonstrator of anatomy, or by any person or institution into whose possession or under whose control it may have been placed by virtue of the provisions of this act. Such bodies shall be used only for the purposes hereinafter mentioned, and shall then, in all cases, be interred in some suitable place kept for that purpose, and a correct record shall be kept of every such body; and all matters by which such body may be identified, coming to the knowledge of the person or officer at any time in charge of such bodies, shall be faithfully recorded at length in a book to be kept for such purposes, to the end that the same may be at any time traced and discovered by the friends and relatives of such deceased person: *And provided further*, That the institution, board, council, officer, or person aforesaid in charge of any such body as aforesaid, shall, immediately after the death of such person, notify, if possible, by telegraph, or otherwise by letter, one or more of the nearest known relatives of such deceased person, of the death of such person; and in no case shall the body of such deceased person be shipped or delivered, as aforesaid, until after the expiration of twenty-four hours from death. And every individual, officer or party violating any of the provisions of this section, shall be deemed guilty of a misdemeanor.

Proviso when body is claimed by relatives.

Record to be kept.

Proviso as to duties of officer or person in charge of body.

SEC. 2. The bodies so shipped or delivered, as aforesaid, shall be used for the advancement of anatomical science in this State and in the following institutions of learning only, viz.: The University of Michigan, the Detroit College of Medicine, and the Michigan College of Medicine and Surgery. And the said bodies shall be distributed to and among the same equitably, and, as far as is possible, in the order in which they are received, and the number assigned to each by the said demonstrator of anatomy shall be proportional to that of its students of anatomy in actual attendance, and to this end the said demonstrator of anatomy shall, within ten days after the opening of the scholastic year of each of the said institutions, ascer-

Bodies to be used for the advancement of anatomical science in certain institutions.

To be distributed among the same equitably.

Demonstrators of anatomy to make annual statement of expenses.

Cost of anatomical material to be apportioned.

Proviso, notice to relatives.

When bodies to be delivered to relatives.

tain from the dean or other executive officer of said institutions the number of students of anatomy in actual attendance in the said respective institutions: And the said demonstrators of anatomy shall, upon ascertaining the number of students of anatomy in actual attendance in said institutions, each notify the other in writing of the information thus obtained; and, at any time thereafter, upon the written request of either of said demonstrators of anatomy, delivered or mailed, to the others, the said demonstrators of anatomy shall ascertain and inform each other in writing, of the number of students of anatomy in actual attendance in the said institutions, to the end that at all times the distribution of said bodies may be equitable, and proportionable to the number of students of anatomy in actual attendance in the said institutions. And in order to procure a fair and proportionate distribution of bodies in quality as well as in quantity, each demonstrator of such institutions may throw out any body which, when received, shall, in his opinion, be unfit and worthless for the advancement of anatomical science, and shall not count such body as anatomical material received, but on his request to the other demonstrators, or to any one of them, shall be supplied by such demonstrator applied to with the proportionate number of good bodies, fit for use for the necessary instruction. And the demonstrators of anatomy of the aforesaid institutions shall each make annually in the last week of the month of June a sworn statement of the actual expenses borne and incurred by him under the provisions of this act. And from such statements the total cost of the anatomical material received shall be ascertained by a board consisting of all said demonstrators, and shall be apportioned and paid by such institutions in proportion to the number of bodies used by each of such institutions: *Provided, however,* That either of the said demonstrators of anatomy, upon the receipt of every body, under and by virtue of the provisions of this act, shall cause the same to be embalmed or put in a state of preservation, and shall not permit the same to be delivered to any of said institutions for the purpose of dissection, until the same shall have been in his possession at least ten days. And it shall be the duty of the said demonstrator of anatomy of the University of Michigan and the said demonstrator of anatomy of the Detroit College of Medicine, upon the receipt of any body under the provisions of this act, to immediately notify the relatives of such deceased person, if known, of the receipt of such body, either by mail or telegraph, as he may deem best, and that said body will be preserved intact, for the space of ten days, in which time such relative will be entitled to said body for the purpose of private interment upon payment of the expenses already incurred. And if the relatives or legal representatives of such deceased person shall request such body for the purpose of interment

and shall pay such expenses the demonstrator of anatomy in whose possession or under whose control the said body may be, shall deliver to such relative or legal representative, the said body, together with the said coffin and box enclosing the same. But in case said body shall not be requested by such relatives until after the same shall have been applied to the purposes intended, the remains thereof, together with the coffin and box aforesaid, shall be delivered without charge: *Provided*, That the University of Michigan, the Detroit College of Medicine, and the Michigan College of Medicine and Surgery, aforesaid, and each and every other medical institution shall not receive into their possession any bodies procured in this State other than those provided for by the provisions of this act. And every individual or party violating the provisions of this section shall be deemed guilty of a misdemeanor.

Provided.

Violation of provisions of this section a misdemeanor.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

Approved June 4, 1895.

[No. 268.]

AN ACT to provide for the collection, compilation and reprinting of the general laws of this State, together with a digest of the decisions of the supreme court relating thereto.

SECTION 1. *The People of the State of Michigan enact*, That all the general laws in force in this State, and all general acts and parts of acts passed by the present Legislature, which shall be approved and become laws, shall be collected and compiled without alteration, under their appropriate heads and titles, with marginal notes and references, and an index thereto, together with a complete digest of the decisions of the supreme court of this State, relating to such general laws, pursuant to the provisions of section fifteen, of article eighteen, of the constitution of this State.

General laws, etc., to be collected and compiled.

SEC. 2. The two houses of this Legislature, immediately upon the passage of this act shall meet in joint convention pursuant to the provisions of the constitution relating to the election of a compiler and appoint a suitable person to do the work provided for in the foregoing section.

Legislature to elect a compiler.

SEC. 3. It shall be the duty of the Governor to appoint two commissioners whose duty it shall be to examine the laws so collected and arranged, and the digest above provided for, and if found by them to be a correct compilation of the general laws in force and a complete and

Commissioners to be appointed by Governor.

satisfactory digest of decisions to certify the same to the Governor.

Secretary of
State to furnish
statutes.

SEC. 4. The Secretary of State is hereby authorized and directed to furnish the person so appointed to collect and compile the laws, three complete sets of Howell's annotated statutes, and the same number of all session laws since the year one thousand eight hundred and sixty-nine; and the Board of State Auditors is required to furnish said compiler of the laws, upon his requisition, such stationery as he may reasonably need for the prosecution and completion of his work.

Board of State
Auditors to
furnish
stationery.

When compila-
tion to be
completed.

SEC. 5. The person appointed by the Legislature to collect and arrange the general laws of the State as aforesaid shall complete such work on or before the convening of the legislature of eighteen hundred ninety-seven, and shall place the same in the hands of the Governor, after the same shall have been duly examined and certified to by the commissioners provided for in section three, to be by the Governor laid before the next Legislature; and the person appointed to collect, arrange and compile the laws and prepare the digest as aforesaid, shall be entitled to receive for such services the sum of six thousand dollars, one-third thereof payable when the laws in effect shall have been compiled and arranged and certified to by the commissioners, one-third when the digest of the decisions on the laws contained in the first volume shall have been made and certified to, and one-third upon the completion of the work, which sum shall cover all expenses for such services and assistance, and the commissioners appointed by the Governor to examine the same as aforesaid shall receive for such services the sum of five hundred dollars each.

Compensation
of compiler,
when paid.

Compensation of
Commissioners.

Legislature of
1897 to provide
for publication
and binding.

SEC. 6. The Legislature of eighteen hundred ninety-seven, shall provide for the publication and binding of such recompilation of the laws in such manner and form as may be deemed best.

This act is ordered to take immediate effect.

Approved June 4, 1895.

[No. 269.]

AN ACT to amend act number fifty of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the incorporation and regulation of certain corporations, generally known as building and loan associations, by adding sixteen sections thereto, to be known as sections eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That act number fifty of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the incorporation and regulation of certain corporations, generally known as building and loan associations," be and the same is hereby amended by adding sixteen new sections thereto, to read as follows:

SEC. 18. Every corporation organized under the provisions of this act and doing business in this State, shall hereafter annually during the month of August, file with the Secretary of State, a statement under the oath of the secretary and treasurer, for the year ending on the first day of the preceding July, showing:

The name and location of such corporation.	Name.
Date of incorporation.	Date.
Names of its officers and directors.	Officers.
Amount of its capital stock.	Capital stock.
Amount of its capital stock paid in.	Stock paid in.
Amount of its assets.	Assets.
The character of such assets and the fair cash value thereof.	Cash value.

The liabilities of such corporation, and	Liabilities.
The character of such liabilities.	

The par value and the amount of dues or assessments chargeable on each share of stock issued by such corporation, and	Par value.
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The proportion of such dues or assessments credited to the loan fund, expense fund or other fund, and such other information of any class, kind or character, as the Secretary of State may require.	Proportion of assessments.
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SEC. 19. It shall be unlawful for any corporation organized under the laws of any State (other than the State of Michigan) or of any government foreign to the government of the United States, to conduct or engage in the business of a building and loan association as authorized by this act, without having first filed in the office of the Secretary of this State a copy certified under the oath of its secretary of its act of incorporation or memoranda of association, and without having first paid to the Secretary of State (as provided by act one hundred eighty-two, public acts of eighteen hundred ninety-one, as amended by act seventy-nine, public acts of eighteen hundred ninety-three), a franchise fee of one-half of one mill upon each dollar of its authorized capital stock. And such corporation shall be subject to all the provisions and requirements of said act one hundred eighty-two, as amended by said act seventy-nine.

SEC. 20. Said foreign corporations shall file with the Secretary of State of this State, a copy of its act of incorporation, and of the general statutes under which it is organized, properly authenticated by the officer of the State in which said foreign corporation is incorporated, a copy] of the by-laws and rules governing it, and of each	Foreign corporations to file copy of act and certain statutes.
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of the several kinds of the certificates issued to its shareholders and stockholders, which statement shall be made upon blank forms to be furnished by the Secretary of State.

Secretary of State shall authorize by certificate under seal,

SEC. 21. Upon compliance with the preceding sections of this act by any foreign corporation, and the Secretary of State being satisfied that it is doing a lawful business, he shall authorize such foreign corporation to do business in this State by certificate under his seal. Unless the provisions of this act are fully complied with, no building and loan association, either foreign or domestic, shall be permitted to do business in this State, and all contracts made by them while in default shall be absolutely void.

To file statement which shall comply exactly with section 18,

SEC. 22. Every foreign corporation organized under the laws of any state or of any government foreign to the government of the United States, authorized to transact business in this State, annually shall file with the Secretary of State of this State, a statement which shall comply exactly with the requirements relative to Michigan building and loan associations, as provided in section eighteen of this act.

When Secretary of State may cause examination to be made.

SEC. 23. If it appears from any statement filed with the Secretary of State under the provisions of this act that the corporation filing such statement, whether a foreign corporation or one organized under the laws of this State, is doing an illegal or unsafe business, the Secretary of State shall make, or cause to be made, an examination into the affairs of such corporation. Or when upon petition of fifty of the shareholders, setting forth that such petitioners believe said corporation to be conducting its business contrary to law, or that its affairs are in an unsound condition, or that they believe any of its statements are not correct, then said Secretary of State, shall make or cause to be made an examination into the affairs of such corporation. Such examination shall be full and complete, and in making the same the examiner may put any officer of such corporation, or any other person, under oath, to answer truthfully any questions that may be asked him, touching the affairs and business of such corporation, and all the books, papers and records of such corporation, and all securities held by it shall be subject to his inspection. Any willful false swearing in any examination shall be deemed perjury. The Secretary of State or the deputy employed by him, shall be entitled to five dollars per day for each day occupied in making such examination, and necessary expenses, to be paid by such corporation. The Secretary of State, his deputy and every clerk and examiner in the employ of the Secretary of State, shall be bound by oath to keep secret all facts and information obtained in the course of such examination except in so far as the public duty of such officer requires him to report upon or take official action regarding such corporation, and no corporation shall be subject to visitation, other than such as is required by this act, or otherwise authorized by the laws of this State.

Examination to be full and complete.

False swearing deemed perjury. Fees for examination.

Examiners to take oath as to secrecy.

SEC. 24. Should the Secretary of State, or the deputy appointed by him, find any corporation organized under this act conducting its business in whole or in part contrary to law or failing to comply with the law, he shall so notify the board of directors of such corporation, and if, after thirty days, such illegal practice or failure continue, he shall report the facts to the Attorney General, who shall cause proceedings to be taken in the proper court to revoke the charter of such corporation.

When Secretary of State to notify directors that its business is done contrary to law.

Facts to be reported to Attorney General.

SEC. 25. If the secretary or treasurer of any such corporation organized under this act, shall fail to make and file the reports required by this act, within thirty days after the same are due to be filed, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding five hundred dollars. Upon failure to file such report it shall be the duty of the Secretary of State to notify the president, secretary and treasurer of such corporation of such failure, and if such report is not filed within thirty days from the date of such notice, then it shall be the duty of the Secretary of State to examine such corporation, as provided in section twenty-three of this act.

Certain acts a misdemeanor penalty for.

SEC. 26. The refusal of any such corporation organized under this act to permit the examination of its affairs authorized by this act, shall be sufficient cause for institution of proceedings to wind up its affairs, as provided in section twenty-four of this act.

When proceedings to wind up affairs of corporation may be commenced.

SEC. 27. The Secretary of State may at any time, for reasonable causes, with the concurrence of the Attorney General, revoke the authority of any foreign corporation to do business in this State; and in such event, the Attorney General shall take proceedings to wind up the business of such foreign corporation in this State, and a receiver may be appointed for the assets of such foreign corporation in this State. Stockholders and creditors in this State of such foreign corporation shall have a first lien on all assets in this State of such foreign corporation, and the business in this State of such foreign corporation shall be closed by such receiver, and its assets converted into money to satisfy the claims of such stockholders and creditors.

Secretary of State may revoke authority of foreign corporations.

Receiver may be appointed.

Who to have first lien.

SEC. 28. In case the authority of any foreign corporation to do business in this State is revoked, notice thereof shall be sent such foreign corporation by mail, postage prepaid, and notice thereof shall be published in at least three newspapers printed in this State daily, for six successive days; the expense of such publication shall be charged against such foreign corporation, and shall be paid by it, or by a receiver, duly appointed.

When authority is revoked, notice to be sent to foreign corporation. Notice to be published.

SEC. 29. Every officer, clerk or agent of any corporation organized under this act, who embezzles, abstracts or willfully misapplies any money, funds or property of the corporation, or who without proper authority assigns any

Penalty for misappropriation of moneys of corporation.

note, bond, mortgage or other asset, or makes any false entry in any book, report or statement of the corporation with intent in either case to injure or defraud the corporation, or any member thereof, or to deceive any officer or agent appointed to examine the affairs of such corporation, on conviction thereof, shall be imprisoned in the State Prison, or State House of Correction or State Reformatory at Ionia, for a period of not to exceed ten years, or fined not to exceed five thousand dollars, or both, at the discretion of the court.

Process against
foreign corpora-
tion, how served.

SEC. 30. Service of process against any foreign corporation doing business under the provisions of this act may be had upon such foreign corporation by serving with process against such foreign corporation upon the Secretary of State, who shall immediately forward a copy of the process served by him by mail, prepaid, directed to the secretary of such corporation at the last known postoffice address of such foreign corporation, and for each copy of the process the Secretary of State shall be paid two dollars by the moving party of the suit, and the same taxed as costs against such foreign corporation.

Secretary of
State to compile
reports.

SEC. 31. The Secretary of State shall annually compile the reports of such associations required to be filed in his office and publish the same in his annual report to the Governor.

Amount to
be paid for
filing report.

SEC. 32. Every corporation doing business under the provisions of this act shall pay to the Secretary of State for the use of the State the sum of five dollars for receiving and filing each annual report required under the several sections of this act.

Corporation
may increase
capital stock.

SEC. 33. Every association incorporated or existing under the provisions of this act may, at any annual meeting, or at any meeting duly called for such purpose by a resolution adopted by a vote of two-thirds in interest of its capital stock, increase or decrease its authorized capital stock or amend its articles of association or by-laws, in any manner not inconsistent with the provisions of this act; but no such increase or decrease of authorized capital stock nor such amendment shall take effect or become operative, until a copy of such resolution, signed by the president and secretary of the association, shall have been filed and recorded as is required in section three of this act, with relation to the final report of such association.

Copy of resolu-
tion to be filed.

Approved June 4, 1895.

[No. 270.]

AN ACT to provide for the admission of foreign corporations into the State of Michigan and to authorize such corporations to carry on their business in said State.

SECTION 1. *The People of the State of Michigan enact,* When foreign corporations may carry on business in this State.
 That when no other provision is specially made, corporations organized under the laws of any state of the United States, or of any foreign country, for any purpose or object for which a corporation may be formed under the laws of Michigan, upon filing in the office of the Secretary of State a certified copy of their articles of incorporation, or memoranda of association and evidence and notice of appointment of an agent in this State for service of process, may for such purpose or object, carry on their business in this State, and shall enjoy all the rights and privileges and shall be subject to all the restrictions, requirements and liabilities of corporations of like character incorporated under Michigan statutes.

This act is ordered to take immediate effect.

Approved June 5, 1895.

[No. 271.]

AN ACT to amend sections nine, ten, eleven, twelve, fourteen, fifteen, seventeen and nineteen of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and (deception) deceptions at elections in this State," as amended by acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
 That sections nine, ten, eleven, twelve, fourteen, fifteen, seventeen and nineteen of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deceptions at elections in this State," as amended by acts amendatory thereto, be and the same are hereby amended so as to read as follows:

SEC. 9. In each county in the State, the judge of probate, county clerk and county treasurer shall constitute a board of election commissioners, two of whom shall constitute a quorum, and of which board the judge of probate shall be chairman and the county clerk shall be secretary. Board of election commissioners for each county.
 It shall be the duty of said board to prepare a sufficient number of ballots, at least two to each elector, according to the vote at the last preceding general election, for election of all officers for whom the electors are entitled to vote, and for all proposed constitutional amendments or other questions to be submitted to the electors for popular vote in compliance with the provisions of law. Duty relating to ballots.

SEC. 10. The said board of election commissioners shall To print names on ballot.
 cause to be printed on the ballot the names of the can-

Committees to forward names.

Names shall be certified to.

Proviso as to any person receiving the nomination by more than one political party.

Notice how given.

Further provided.

didates nominated by the regularly called conventions of any party, and it shall be the duty of the State, district or county committee of each political party to forward to the chairman of the said board of election commissioners of each county in the State, not less than twenty days prior to any such election, a copy of the vignette adopted by them and the names of all candidates nominated at any regularly called convention at which candidates for any of the offices mentioned in section one of this act shall be nominated, and no other names, unless authorized and instructed by said convention, except that in the county of Wayne such county and district committees shall perform such duty not less than ten days prior to any such election. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees: *Provided*, That it shall be unlawful for said board of election commissioners to cause to be printed in more than one column on the ballot the name of any candidate who shall have received the nomination by two or more parties or political organizations for the same office. Any person so receiving the nomination for the same office by two or more parties or political organizations shall, within five days after his name has been certified to said election commission as having been nominated by two or more political parties for the same office, give notice to the board of election commissioners of each county in the State, if said nomination be for a State office, and to the board of election commissioners of each county in the district, if said nomination be for a congressional, judicial or legislative office, and to the board of election commissioners of the county, if such nomination be for a county office, specifying in such notice the column of which party or political organization on the ballot he wishes his name to be printed, and said board of election commissioners shall print the name of such candidate in such column on the ballot so specified by him, and in no other column. Such notice shall be given to said election commissioners by delivering the same either in person or by depositing the same in the postoffice, in a sealed envelope, with postage prepaid, directed to the chairman of such board of election commissioners at the county seat of the respective counties, except that in the county of Wayne such notice shall be given by a nominee for a county, judicial or legislative office, within said county, within three days after his name has been so certified as having been nominated by two or more political parties: *Provided further*, That in case any such candidate so nominated by two or more parties or political organizations for the same office, and whose name shall have been certified by the chairman and secretary of the committees of such parties or political organizations to said board of election commissioners within the time and as above provided, shall refuse or neglect to give notice to said board of election commis-

sioners, as above provided, and within the time above named, specifying in which column on the ballot he wishes his name to be printed, then and in such case said board of election commissioners shall cause his name to be printed in the column of the party or political organization, from the chairman and secretary of whose committee said board of election commissioners shall have first received notice of such person's nomination for said office, and said board of election commissioners shall not cause the name of such person to be printed on the ballot as a candidate for the same office in any other column. All the provisions of this section shall apply to all city, village and township elections held in this State, except that the notice herein required to be given by a candidate shall be given by him to the proper board of election commissioners within two days after his name has been so certified as nominated by two or more political parties for the same office, but this section shall not be construed as conflicting with act number one hundred ninety-four of the public acts of eighteen hundred ninety-one.

Who the provisions of this act shall apply to.

SEC. 11. It shall hereafter be the duty of the State committee of any political party or organization in this State, before each election, to prepare and adopt, by engraving or otherwise, a vignette, to be printed at the top of the column of such ballot assigned to such party, as a distinctive and characteristic heading thereto; such vignette shall not be more than one inch and a half square, and in addition to the device adopted, shall set forth legibly the name of such party. A proof copy of the ballot shall be placed on file at the office of the county clerk of each county by the board of election commissioners and be open for inspection by the candidates named thereon and by the chairman of each committee furnishing the names of candidates thereon, but by no other person, at least ten days prior to each election, except in the county of Wayne, where such copy shall be on file at least six days prior to each election. And it shall be the duty of the board of election commissioners to correct such errors as may be found therein by such inspection.

Vignette provided for.

Size of.

Proof copy to be filed.

SEC. 12. When such vignette and heading shall have been adopted and prepared, an impression of the same, followed by the names of the candidates nominated at, or by the direction of the regularly called convention, printed and sealed up in an envelope, shall be filed by the respective committees with the county clerk of the county where such election is to be held, and with the Secretary of State, at least twenty days prior to such election, except in the county of Wayne, where such duties shall be performed by the respective committees at last ten days prior to such election. Such lists shall be kept by the Secretary of State and said county clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy or in any manner counterfeit the

Impression of vignette to be filed.

Unlawful to imitate, copy or counterfeit.

same, or change the name of the candidate of such regular convention, except as herein provided, or by authority of such convention. Such vignette and heading shall remain as the heading for the column of such party organization on the ballots of all elections until changed by the proper committee, and notice thereof shall have been given to such county clerks and Secretary of State. It shall be the duty of the board of election commissioners to provide, at the expense of the county, a sufficient number of cuts of the several vignettes provided for in this act, from which to print the necessary number of ballots to be distributed by them.

Board to
provide cuts.

Printing of
names on
ballots.

Amendments.

Plan of ballot.

Ballots to be
uniform in size.

SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for in each legislative district of said county [at] an any election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed under the title and device of such party as designated by them in their certificate, and shall also cause any proposed constitutional amendments, or other questions, to be submitted to the electors for popular vote, to be printed at the foot of said ballot, in such convenient place as to be readily distinguishable, one from the other. The ticket of the party having the greatest number of votes within the county at the last preceding general election, shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. The list of candidates of each party shall be placed in a separate column of said ballot, with the appropriate heading, and the arrangement of the ballot shall conform, as nearly as may be, to the following plan, and shall contain the specific instruction therein set forth, and no others.

OFFICIAL BALLOT.

Instructions.

(Instructions.)—In all cases stamp a cross (x) in the circle under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need be done.

Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross in the square before the name of the candidate for whom you desire to vote on the other ticket.

Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross in the square before the names of the candidates for whom you desire to vote on the other ticket; also erase an equal number of

names of candidates on your party ticket for the same office for whom you do not desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth fold the ballot so that the initials of the inspector may be seen on the outside.

NAME OF OFFICER VOTED FOR.	VIGNETTE. DEMOCRATIC. ○	VIGNETTE. REPUBLICAN. ○	VIGNETTE. INDUSTRIAL. ○
STATE.			
Governor.....	☐ Edwin B. Winans.	☐ James M. Turner.	☐ Lyman A. Brant.
Lieutenant Governor.....	☐ Frederick Braastad.	☐ Lemuel G. Dafee.	☐ William A. Johnson.
Secretary of State.....	☐ Daniel E. Soper.	☐ Washington Gardner.	☐ William H. McKinstry
CONGRESSIONAL.			
Representative in Congress— fifth Congressional district.	☐ Edwin F. Uhl.	☐ Charles W. Watkins.	☐ Dudley O. Watson.
PRESIDENTIAL.			
Electors of President and Vice President.....	☐ Arthur S. White.	☐ Fred A. Maynard.	☐ John W. Hayward.
LEGISLATIVE.			
State Senator—twenty-first district.....	☐ Albert K. Roof.	☐ John L. Preston.	☐ John M. Herz.
Representative—first district.	☐ Vincent P. Cash.	☐ DeVere Hall.	☐ William B. Jackson.
COUNTY.			
Sheriff.....	☐ Charles R. Pratt.	☐ William Hahn.	☐ James Hanley.
Judge of Probate.....	☐ Jay L. Newberry.	☐ Grant M. Morse.	☐ Frank Porter.
Treasurer.....	☐ J. Warren Peake.	☐ John V. N. Gregory.	☐ Frank W. Cook.

Printed by Authority.

SEC. 15. In case of the death, removal or withdrawal of any candidate after the printing of such ballot, and before such election, the chairman of the State, district or county committee of the political party to which such candidate belongs shall transmit to the chairman of the In case of death of candidate.

Pasters to be provided.

In case a name has been omitted.

Change in ballots on death, removal or resignation of candidate.

Board to furnish stamps and apparatus.

Duty of chairman to procure ballots.

Proviso, where date is fixed in cities.

board of election commissioners the name of the person selected by such party to fill such vacancy, and said board shall provide the election board of each precinct, in which such candidate is to be voted for, with a number of pasters containing only the name of such new candidate, at least equal to the number of ballots provided for such precinct, but no pasters shall be given to, or received by any one, except such election board and such chairman, and it shall be the duty of the chairman of the board of inspectors of election to put one of such pasters in a careful and proper manner, in the proper place on each ballot before it shall be given to any elector for the purpose of voting, and in case the name of any candidate regularly certified to said board of election commissioners shall have been omitted from such ballots, said board of election commissioners shall furnish pasters containing the name of such candidate and the same shall be placed upon the ballots as herein provided in the case of a candidate selected to fill a vacancy. In case of such death, removal or resignation before the printing of such ballots, the name of the person selected in the place of such candidate shall be communicated by the proper committee to the political organization to which such candidate belonged, and the necessary change in such ballot shall be made by the board.

SEC. 17. It shall be the duty of the board of election commissioners to provide and enclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct, as hereinafter provided, as many metallic stamps bearing a cross (x), together with ink pads and metallic erasing stamps or other apparatus as may be necessary, at least two stamps or other apparatus being furnished for every booth erected as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county.

SEC. 19. It shall be the duty of the chairman of the board of election inspectors of each voting precinct in each county, or in case he cannot attend, some other member of such board, authorized in writing by the said chairman, to appear at the office of the county clerk of his county, not more than four nor less than two days before each election, and the board of election commissioners shall deliver to him, in a sealed package, the ballots and the stamps or other apparatus provided for his precinct: *Provided*, That in cities where a later date is fixed for the delivery of city ballots to said [chairmen] chairman. the ballots may be delivered by the board of election commissioners at the same time that the city ballots are so delivered, and in election precincts where the ballot boxes are delivered locked to election inspectors by officials, such stamps and pads or other apparatus may be enclosed

in such ballot boxes instead of with the ballots. The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board of election commissioners or some other member thereof, duly authorized therefor by said board, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to said inspector of elections he shall receipt for the same; and for the safe sealing of such ballots, the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the election board of the respective voting precincts, to which they were directed when said boards shall be fully organized and ready for the reception of votes as in this act provided.

How ballots
put up.

When to be
opened.

Approved June 5, 1895.

JOINT RESOLUTIONS, 1895.

[No. 1.]

JOINT RESOLUTION authorizing and empowering the Commissioner of the State Land Office to revive part paid Agricultural College land certificate numbered eighteen thousand five hundred thirty-nine, issued to Benjamin Titus, of Alpena county, January eleventh, eighteen hundred and eighty-three

WHEREAS, It appears from the records of the State Land Office that the north one-half of the south one-half of the southwest quarter of section eleven, township thirty-two north, of range seven east was sold, with other lands, to Benjamin Titus, of Alpena county, February eighth, eighteen hundred seventy-three, and part paid Agricultural College land certificate issued as evidence of such sale; that such certificate was surrendered for division at the State Land Office January eleventh, eighteen hundred eighty-three, and a new certificate, numbered eighteen thousand five hundred thirty-nine was issued to said Benjamin Titus, by the Commissioner of the State Land Office, for the land herein above particularly described; and

WHEREAS, By assignment of said certificate, the interest and ownership therein became vested in Alexander Morris, of Alpena county, who has made valuable improvements on the land, but by misunderstanding and inadvertence allowed the land to become forfeited to the State; now therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be, and he is hereby authorized and empowered to revive said certificate numbered eighteen thousand five hundred thirty-nine, together with all its provisions, on payment of the amount of interest, taxes and penalty due and to have been paid for the several years said land has been held under forfeiture; and further

Resolved, That upon payment being made, as above required, such certificate numbered eighteen thousand five hundred thirty-nine shall be in full force and effect as to all its provisions in all respects as though the same had not theretofore been forfeited.

This joint resolution is ordered to take immediate effect.

Approved February 28, 1895.

[No. 2.]

JOINT RESOLUTION proposing an amendment to section one of article nine of the constitution of this State, relative to salaries.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section one of article nine of the constitution of this State be, and the same is hereby proposed to read, as follows:

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of three thousand five hundred dollars, and he shall personally attend to the duties of his office. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

Be it further resolved, That said amendment shall be submitted to the people of this State at the next spring election, on the first Monday in April in the year eighteen hundred and ninety-five; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, at least twenty days prior to the said election.

The ballots for and against this amendment shall be printed at the foot of the general ticket as provided by law, and designated as follows: Amendment to the Constitution relative to the Attorney General's salary—"Yes." Amendment to the Constitution relative to the Attorney General's salary—"No." Said ballots in all respects to be canvassed and returns made as in elections of justices of the supreme court.

This joint resolution is ordered to take immediate effect.

[No. 3.]

JOINT RESOLUTION relative to part paid primary school land certificate number seven hundred six, covering the northwest quarter of northwest quarter of section sixteen, township six south range four west.

WHEREAS, It appears from the records of the State Land Office that part paid primary school land certificate numbered seven hundred six was issued by the Superintendent of Public Instruction to Abijah Mosher and Stephen W. Ellis, of Hillsdale county, Michigan, on the fifteenth day of October, eighteen hundred thirty-nine; and

WHEREAS, By numerous mesne conveyances and assignments, the interest in said land, as covered by such certificate, and the ownership thereof is now vested in other persons than the original holders of such part paid certificate; and

WHEREAS, By reason of certain irregularities of form in transfer and loss of assignments, the owners of the land have not been able to obtain new certificates or patent for their several tracts of land, although the same has been fully paid for at the State Land Office; now therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be, and he is hereby authorized and empowered to take proof of the ownership of the northwest quarter of the northwest quarter of section sixteen, township six south range four west, by affidavit or otherwise, and on such proof issue to the owner or owners thereof certificate or certificates, in the usual form, entitling the holders to a patent for the land therein described.

This joint resolution is ordered to take immediate effect.

Approved March 6, 1895.

[No. 4.]

JOINT RESOLUTION to amend section six of article six of the constitution of the State of Michigan, relative to circuit courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that section six of article six of said constitution be amended so as to read as follows:

SEC. 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The Legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of Ingham is or may be situated. And the circuit judge or judges of said circuits, in addition to the salary provided by this constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the boards of supervisors of said counties. And the board of supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors. This section as amended shall take effect from the time of its adoption;

Be it further resolved, That said amendment shall be submitted to the people of this State at the spring election to be held on the first Monday in April in the year one thousand eight hundred ninety-five, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State at least twenty days prior to the said election, and the said sheriffs are required to give the general notices required by law in the same manner that they are now required to give in case of an election of justices of the supreme court; and the said amendment shall be indicated upon the official ballot for said election in accordance with the provisions of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State." Each person voting for said amendment shall designate his vote by a cross mark placed opposite the word "Yes," and each person voting against said amendment shall designate his vote by a cross mark placed opposite the word "No," as indicated upon said official ballot. The ballots shall in all respects be canvassed and returns made thereof as in general elections of State officers.

This joint resolution is ordered to take immediate effect.

[No. 5.]

JOINT RESOLUTION proposing an amendment to section one of article nine of the constitution of this State relative to salaries of State officers.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section one of article nine of the constitution of this State be and the same is hereby proposed to read as follows:

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of two thousand five hundred dollars; the Secretary of State shall receive an annual salary of two thousand five hundred dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand five hundred dollars; the Attorney General shall receive an annual salary of three thousand five hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand five hundred dollars; the Auditor General shall receive an annual salary of three thousand dollars; they shall receive no fees or perquisites whatever for the performance of any duties connected with their office, and they shall personally attend to the duties of their office. It shall not be competent for the Legislature to increase the salaries herein provided. *Be it further*

Resolved, That said amendment shall be submitted to the people of this State at the next spring election, on the first Monday in April in the year one thousand eight hundred and ninety-five, and

the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, at least fifteen days prior to said election.

The ballots for and against this amendment shall be printed at the foot of the general ticket as provided by law, and designated as follows: Amendment to the constitution relative to salaries of State officers—"Yes." Amendment to the constitution relative to salaries of State officers—"No." Said ballots in all respects to be canvassed and return made as in elections of justices of the supreme court.

Resolved further, That the joint resolution entitled "Joint resolution proposing an amendment to section one of article nine of the constitution of this State relative to salaries," which was passed at the present session of the Legislature, be and the same is hereby repealed.

This joint resolution is ordered to take immediate effect.

[No. 6.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a new certificate to Lewis Shall, in lieu of primary school land certificate numbered twenty-one thousand seven hundred and fifty-eight.

WHEREAS, On the twenty-eighth day of December, eighteen hundred and eighty-six, the Commissioner of the State Land Office issued to James Upthegrove a part paid primary school land certificate numbered twenty-one thousand seven hundred fifty-eight, covering the southwest quarter of southwest quarter of section sixteen, town seventeen north range twelve east; and

WHEREAS, It appears from assignments and affidavit on file in the State Land Office that the interest in the land above described, covered by such certificate, has been, through mesne conveyances, vested in Lewis Shall, of Huron county, State of Michigan; and

WHEREAS, It further appears from affidavit on file in the State Land Office that the original certificate numbered twenty-one thousand seven hundred fifty-eight has been lost or destroyed; therefore

Resolved by the Senate and House of Representatives, That the Commissioner of the State Land Office be, and he is hereby authorized and empowered to issue a new certificate to Lewis Shall for the southwest quarter of the southwest quarter of section sixteen, township seventeen north range twelve east, on payment of all interest, taxes and charges against the land, and upon making satisfactory proof to said Commissioner that the interest in the land covered by original certificate numbered twenty-one thousand seven hundred and fifty-eight is vested in the said Lewis Shall at the time such new certificate shall issue.

Approved March 22, 1895.

[No. 7.]

JOINT RESOLUTION for the relief of John Blight, by making him the legal heir of Ann Blight.

WHEREAS, Ann Blight died on the eighth day of April, eighteen hundred and eighty-seven, at Saginaw, Saginaw county, Michigan, intestate, owning real property in said county, and then being a resident of said county, leaving a husband, John Blight, now living, and leaving at her death no father, mother, brother nor sister; no issue nor other lineal descendant; nor issue of brothers or sisters; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the probate court of Saginaw county shall have and entertain jurisdiction of the petition by John Blight, of Saginaw, Michigan, to be declared the legal heir of Ann Blight, late of said Saginaw, now deceased. If on the hearing of such petition said probate court shall find to be true the facts set forth in this preamble of the resolution, the State hereby releases all its claim by way of escheat, to the real estate left by said Ann Blight; and the Auditor General, State Treasurer and Secretary of State, known as the Board of Escheats, are hereby authorized and required to convey to John Blight all of the interest which the State of Michigan has heretofore or may hereafter acquire in and to the real estate left by said Ann Blight; and the probate court is authorized to make an order declaring the said John Blight to be the heir of said Ann Blight, and setting over to said John Blight the real estate left by said Ann Blight after the debts, funeral charges and expenses of administration are paid. All the proceedings under this law shall be under the statutes governing proceedings in probate courts so far as applicable.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[No. 8.]

JOINT RESOLUTION for the relief of Edwin K. Wood and Clarence A. Thayer, by revival of part paid Agricultural College land certificate number sixteen thousand and thirteen.

WHEREAS, On the second day of March, A. D. eighteen hundred eighty-one, the Hon. James M. Neasmith, Commissioner of the State Land Office, in accordance with the laws of the State of Michigan then in force, did, by virtue of the power and authority vested in him as such Commissioner, issue to one Albert O. Stone, of Montcalm county, Michigan, Agricultural College land certificate number sixteen thousand and thirteen, thereby certifying that the said Albert O. Stone was the purchaser of the following described land, to wit: The north one-half of the southeast one-quarter of section ten, in township thirty north, of range five west, containing eighty acres, at the price of three dollars per acre; and

WHEREAS, As appears by the certificate aforesaid, the said Albert O. Stone, upon the execution and delivery of said certificate, paid the sum of sixty dollars, the balance of one hundred and eighty dollars to be paid at the option of said purchaser, with interest at the rate of seven per cent per annum, payable annually, upon the whole amount of principal unpaid, and all taxes assessed upon said land to be duly paid; and

WHEREAS, On the twenty-first day of February, A. D. eighteen hundred eighty-four, Edwin K. Wood and Clarence A. Thayer purchased of the said Albert O. Stone all the interest of said Albert O. Stone in and to the land described in said certificate, as appears by an assignment endorsed upon said certificate, duly executed by said Albert O. Stone and Ella L. Stone, his wife; and

WHEREAS, It appears that all the interest accruing on said certificate, and all the taxes assessed on said land, have been paid promptly, excepting in the years eighteen hundred ninety-one and eighteen hundred ninety-two, and subsequent thereto, for the non-payment of which the said certificate became void, and the interest of the said Edwin K. Wood and Clarence A. Thayer in said land became forfeited; and

WHEREAS, It appears from the showing of the said Edwin K. Wood and Clarence A. Thayer that the failure to pay such interest and taxes was the result of a misunderstanding between said Edwin K. Wood and Clarence A. Thayer, and was not an abandonment of their interest in said land; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That notwithstanding the forfeiture of the interest of the said Edwin K. Wood and Clarence A. Thayer in said land, and the avoiding of said certificate, by the non-payment of the interest due and the taxes assessed on said land, said Agricultural College land certificate number sixteen thousand and thirteen is hereby declared to be of full force and effect for the purpose of full payment, and issue of a patent for the land described therein; and

Resolved, That the proper officers of the State, acting in behalf of the State, are hereby authorized and instructed to receive from the said Edwin K. Wood and Clarence A. Thayer the full amount due on said certificate, as principal and accrued interest and charges, as well as all taxes assessed against said land and remaining unpaid, and thereupon to issue to said Edwin K. Wood and Clarence A. Thayer a patent for said land, the same as if no forfeiture had occurred.

This joint resolution is ordered to take immediate effect.

Approved April 18, 1895.

[No. 9.]

JOINT RESOLUTION to provide for paying the expenses of the members of the Antietam Memorial Commission.

WHEREAS, A commission has heretofore been appointed by the Governor, upon the request of the Antietam Board, appointed by the

Secretary of War to mark the position of Michigan regiments and batteries upon the field of battle, and no provision for the paying of the expenses of such commission has been made, and in consequence of such neglect, the work of the commission is incomplete; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized and directed to audit and allow the expenses of said commission, and cause the same to be paid out of the State treasury: *Provided,* The whole amount so appropriated and paid shall not exceed the sum of five hundred dollars.

This joint resolution is ordered to take immediate effect.

Approved April 24, 1895.

[No. 10.]

JOINT RESOLUTION authorizing the Governor to issue a patent to Joseph Holenbeck for the southwest quarter of the southeast quarter of section number sixteen in township number four south of range five west, the same being primary school land.

WHEREAS, It appears by satisfactory proof that Asahael G. Seohler did, on the seventeenth day of May, in the year of our Lord one thousand eight hundred fifty-five, purchase from the State of Michigan land certificate for primary school land described as the southwest quarter of the southeast quarter of section number sixteen in township number four south of range number five west, which certificate issued on said day by the Commissioner of the State Land Office to said Asahael G. Seohler has by several assignments become the property of Joseph Holenbeck.

WHEREAS, It appearing that the said Joseph Holenbeck purchased the said certificate in good faith and for a valuable consideration and has been in the quiet and peaceable possession and enjoyment of said premises for more than twenty-six years next preceding this date and has made valuable improvements thereon and paid all taxes thereon and all interest due the State, and it further appearing that the said Joseph Holenbeck is equitably entitled to a patent on surrendering said certificate, accompanied by the full payment of the principal and interest due the State for the same; and

WHEREAS, No patent can issue to the said Joseph Holenbeck on account of defects and irregularities in assignments of said certificate by parties who held the same after it was issued to the said Asahael G. Seohler and before the said Joseph Holenbeck acquired the same, which said assignments cannot be corrected or perfected in consequence of the death of the assignors and their witnesses; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized to sign and cause to be issued to the said Joseph Holenbeck a patent for the land described in said certificate, whenever

the same shall be presented to him, with the certificate of the Commissioner of the State Land Office that the principal and interest and all taxes and charges levied upon said land have been paid.

This joint resolution is ordered to take immediate effect.

Approved April 26, 1895.

[No. 11.]

JOINT RESOLUTION to provide for placing a statue of "Michigan's War Governor," Austin Blair, on the east side of the capitol building on the State House grounds, in the city of Lansing, Michigan.

Resolved by the Senate and House of Representatives of the State of Michigan, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of securing and causing to be erected on the grounds belonging to the State of Michigan, adjacent to and on the east side of the capitol building, in the city of Lansing, a statue of "Michigan's War Governor," Austin Blair.

And further resolved, That there shall be appointed by the Governor three commissioners, of whom two at least shall have been soldiers of the Union army of eighteen hundred sixty-one, eighteen sixty-five, whose duty it shall be to procure such statue of "Michigan's War Governor," Austin Blair, and cause the same to be placed upon the grounds adjacent to the capitol building, and on the east side of said building, in the city of Lansing. The commissioners so appointed shall serve without charge for their services, or cost to the State: *Provided,* That such necessary expenses as may be incurred by the commission for postage, stationery, travel and expenses essential thereto, while carrying out the object of this resolution, shall be paid by the State Treasurer out of any money not otherwise appropriated, upon warrants issued by the Auditor General for vouchers of the commission, or any member thereof, sworn to before some officer competent to take such acknowledgment, when audited by the Board of State Auditors: *Provided,* That the said ten thousand dollars shall be added to and incorporated in the State tax for the year eighteen hundred and ninety-six by the Auditor General, and shall be assessed, levied and collected and credited to the general fund to reimburse it for the sum hereby appropriated, but said ten thousand dollars shall not be drawn from the treasury before April first, eighteen hundred and ninety-seven.

This joint resolution is ordered to take immediate effect.

Approved May 8, 1895.

[No. 12.]

JOINT RESOLUTION directing the Board of State Auditors to examine and settle the claim of the Grand Lodge [I. O. O. F.] "Independent Order Odd Fellows" of the State of Michigan for rent of the building and grounds used by the State for a blind school.

WHEREAS, The Grand Lodge [I. O. O. F.] "Independent Order Odd Fellows" of the State of Michigan rented the building known as the "Odd Fellows Institute," to the State for use as a blind school;

WHEREAS, The said Grand Lodge claims that a portion of the rent is still unpaid;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized and instructed to examine the said claim and pay to the said Grand Lodge such sum, not exceeding one hundred thirteen and forty-seven one-hundredths dollars, as they shall find to be justly due for such rent of the said building.

This joint resolution is ordered to take immediate effect.

Approved May 11, 1895.

[No. 13.]

JOINT RESOLUTION for the relief of the Western Union Telegraph Company.

WHEREAS, The board of review for the assessment of telegraph and telephone companies, by mistake, in the year eighteen hundred ninety-three, assessed the Western Union Telegraph Company on fourteen thousand one hundred and one miles of construction, when in fact said company should have been assessed on only five thousand fifty-five and five-tenths miles, that being the total number of miles then owned by the said Western Union Telegraph Company in the State of Michigan, and by reason of which mistake there was assessed against said Western Union Telegraph Company an excess of taxes of three thousand one hundred nineteen dollars seventy cents, which said sum was paid by the said company before the mistake was discovered; and

WHEREAS, The said company, at once, on discovering said mistake, made application to the Auditor General for a refunding of the money so overcharged; and

WHEREAS, By reason of the fact that the money had already been paid into the State Treasury, the Auditor General was without authority of law to refund the sum then legally and equitably due to the said Western Union Telegraph Company; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the said Western Union Telegraph Company be authorized to present to the Board of State Auditors of the State

of Michigan, their claim for taxes so erroneously collected and assessed, and that the said Board of State Auditors on examining into the facts, if they find the same true, or any part thereof, as stated in the preamble of this resolution, and that the money, or any part thereof, was assessed by mistake of the board of review for the assessment of telephone and telegraph companies, and ought in equity and good conscience to be returned to the said Western Union Telegraph Company, then and in such case the said Board of State Auditors are authorized and directed to audit and allow such claim, or so much thereof as may be found to be owing to said claimant, and in such case the Auditor General is authorized and directed to draw his warrant on the Treasurer of this State for such sum not exceeding the sum of three thousand one hundred nineteen dollars and seventy cents, the same to be paid out of any moneys in the general fund of the State of Michigan, not otherwise appropriated.

Approved May 17, 1895.

[No. 14.]

JOINT RESOLUTION for the relief of Matilda Thrasher, and authorizing the Board of State Auditors to examine and adjust her claim for reimbursement for loss of improvements on certain lands.

WHEREAS, By the provisions of the act of Congress, approved September twenty-eighth, eighteen hundred fifty, the northeast quarter of the southwest quarter of section thirty-four, in township thirteen north range sixteen west, among other lands, inured to the State of Michigan, and was approved to the said State October twenty-seventh, eighteen hundred fifty-three by the Secretary of the Interior of the United States, and patented, as swamp land, by patent issued to said State by the general government on the twenty-fifth day of July, eighteen hundred sixty-three; and

WHEREAS, Under the provisions of the statutes of this State, a homestead license was issued to Matilda Thrasher by the Commissioner of the State Land Office, March seventeenth, eighteen hundred and eighty-five; and

WHEREAS, Said land above described was sold by the general government June tenth, eighteen hundred fifty-three, as appears from the records in the State Land Office, and the said homestead license was requested by the State Land Commissioner to be surrendered for cancellation, and was so surrendered and canceled; and

WHEREAS, It appears that sundry valuable improvements were made by the said Matilda Thrasher between the time of the issuing of license and the date of its surrender, which were altogether lost to the licensee upon the cancellation of her homestead entry, and for which she has never received compensation; now therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors examine the claim

of the said Matilda Thrasher, and they are hereby authorized to adjust the same in such manner as they may deem just and equitable, but not to exceed the sum of one hundred fifty dollars.

Approved May 17, 1895.

[No. 15.]

JOINT RESOLUTION providing for the placing of two hundred dollars in trust to the Riverside Cemetery Company of Hastings, Barry county, Michigan, for the purpose of maintaining and keeping up lot number three, subdivision "E," in said cemetery, being the lot of John Allen, deceased.

WHEREAS, John Allen, a former resident of Barry county, died on the eighth day of August, eighteen hundred seventy-five, without heirs, and was buried in Riverside cemetery in the city of Hastings, Barry county, Michigan, on lot number three, subdivision "E," said lot having been purchased by the administrator of his estate from the said cemetery company, and said lot standing upon the books of said cemetery company in the name of John Allen; and

WHEREAS, The judge of probate for the county of Barry, after having allowed the claim of the administrator of the estate of the said John Allen, there being no heirs, paid to the Auditor General of the State of Michigan the sum of four hundred ninety dollars and ninety-seven cents, being the entire of the estate of the said John Allen, deceased, after having paid for said burial lot and tombstone; and

WHEREAS, Said lot, by reason of constant neglect since the year eighteen hundred seventy-five, has become sunken, grown up to weeds and briars and is in a general dilapidated condition, there being no relative or friends, and no means for [the] keeping up [of] said lot, all of his estate having been duly paid to the State of Michigan and the administrator of said estate discharged; be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the sum of two hundred dollars be provided and set apart to the Riverside Cemetery Company of the city of Hastings, Barry county, Michigan, in trust, the interest upon said amount to be applied by said company for the maintenance and keeping up of said lot from year to year.

Approved May 22, 1895.

[No. 16.]

JOINT RESOLUTION, authorizing the Board of State Auditors to settle and adjust certain accounts.

WHEREAS, Certain moneys were from time to time paid as salaries, under and by virtue of act eighty-seven of the public acts of one

thousand eight hundred and ninety-one and acts one hundred twenty-seven and one hundred twenty-eight of the public acts of one thousand eight hundred ninety-three; and

WHEREAS, Certain parts of each of said acts have, in effect, been held unconstitutional by the supreme court of this State, and no decision having been made as to the rights of the parties to whom the salaries were paid, and no settlement having been had with the several parties receiving the same; therefore .

Resolved by the Senate and House of Representatives, That the Board of State Auditors be and are hereby authorized to ascertain the amount paid under and by virtue of either or any of said acts, and to enquire into the facts and circumstances thereof, and to make such a settlement with the several parties as shall, in the opinion of the board, be just and equitable in each case, and if any sum or sums shall be found due to this State, said Board of State Auditors are hereby authorized and required to commence suit therefor, in the name of the people of the State of Michigan.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[No. 17.]

JOINT RESOLUTION authorizing the Attorney General to commence legal proceedings to quiet the title to certain lands in the township of Clay, St. Clair county, State of Michigan, in which this State has a legal interest.

WHEREAS, There are certain unsurveyed lands, government survey, lying and being in the township of Clay, in the county of St. Clair, and State of Michigan, known as the unsurveyed lands of Harsens and Stromness islands, and other unsurveyed lands adjacent thereto, the title to which is claimed by the United States government and by this State; therefore be it

Resolved, That the Attorney General of this State be and is hereby directed to commence suit within four months after the passing of this resolution, in any court of competent jurisdiction, against the United States or any other parties claiming title therein to quiet the title to said lands, and to determine the just and equitable rights of all the parties in interest. And the Auditor General of this State is hereby directed to draw his warrant upon the Treasurer of this State, upon proper vouchers therefor, signed by said Attorney General, for the payment of all costs necessitated herein, and the treasurer is hereby directed to pay said warrant out of any money in the treasury not otherwise appropriated.

This joint resolution is ordered to take immediate effect.

Approved May 31, 1895.

CONCURRENT RESOLUTIONS, 1895.

[No. 1.]

CONCURRENT RESOLUTION relative to the mailing of certain copies of the daily journal.

Resolved by the Senate (the House concurring), That the State printer be instructed to forward one copy of the Daily Journal to each daily and weekly newspaper published within the State, and to each State officer, or member of State commission, supreme, circuit and probate judge, county clerk, county treasurer, register of deeds, prosecuting attorney, circuit court commissioner, and to each public library, board of trade, superior and recorder's court in the State, and to each county school commissioner and superintendent of each union school in the State, and that the amount of postage on such copies of said journal be paid by the State Treasurer on the warrant of the Auditor General, on the presentation of bills duly certified by the postmaster at Lansing, and by the State printer, showing that such stamps have been purchased and used only for the payment of postage on said copies of said journal hereby ordered to be distributed.

Approved January 17, 1895.

[No. 2.]

Resolved by the House (the Senate concurring), That the Quartermaster General be and he is hereby authorized to loan to the executive committee of the [G. A. R.] Grand Army of the Republic art loan and industrial exposition of Kalamazoo, for a period of not more than twenty-five days, a reasonable number of war relics (not to exceed twenty in number, and not to include regimental battle flags), now in the war museum: *Provided*, The said executive committee pay all expense of packing, shipping and returning to the museum and file with the Quartermaster General a justified bond in the sum of five thousand dollars for the safe return of relics loaned or for the payment of any damages thereto under such rules and conditions as to safety, as the Quartermaster General may prescribe.

Approved February 6, 1895.

[No. 3.]

WHEREAS, The death of Col. J. B. Bachelder leaves a vacancy in the National Gettysburg Commission, and in the department of Historians; and

WHEREAS, The Governor of the State of Michigan, together with many eminent citizens of this State, feeling a patriotic interest in the graves of her loyal sons upon that field, have respectfully requested the honorable, the Secretary of War, that the commissioner and historian be appointed from the State of Michigan; and

WHEREAS, Many soldiers and others have united in requesting the appointment to this position of Colonel Edward Hill, formerly of the Sixteenth Michigan volunteer infantry—a gentleman of culture and truth, a gallant soldier who participated in the battle of Gettysburg with credit and honor, and whose regiment held the position at Little Round Top, who holds the "Medal of Honor" for gallant services on the field of battle, and who is eminently fitted by education, experience and extended acquaintance with veterans both north and south, and who is tactful, earnest, energetic and a persistent and patient worker; therefore

Resolved by the House of Representatives (the Senate concurring), That the Legislature of the State of Michigan unite in endorsing the candidacy of Colonel Hill, and respectfully request the honorable, the Secretary of War, to appoint him to the position named;

Resolved further, That a copy of these resolutions be forwarded to the Secretary of War and also a copy be forwarded to Colonel Hill.

Approved February 6, 1895.

[No. 4.]

Resolved (the House concurring), That the Secretary of State have printed, in pamphlet form, properly indexed, one thousand copies of the "Act providing for the incorporation of villages within the State of Michigan, and defining their powers and duties," for distribution by the Secretary of State to those interested.

Approved March 8, 1895.

[No. 5.]

Resolved (the Senate concurring), That the Secretary of State be, and hereby is instructed to present one copy of the Legislative Manual to each resident pastor or clergyman who has heretofore during this session conducted religious services at any session of the House of Representatives or Senate, or who shall hereafter during this session conduct such services before the House or Senate.

Approved March 13, 1895.

[No. 6.]

Resolved by the House (the Senate concurring), That the Secretary of State is hereby authorized to send one copy of the Michigan Manual to each county clerk in the State, said manual to be the property of the county.

Approved March 20, 1895.

[No. 7.]

Resolved by the House (the Senate concurring), That the Secretary of State is hereby authorized and instructed to issue a second edition of the Manual for eighteen hundred ninety-five, said edition to be seventy-two hundred copies.

Approved May 10, 1895.

[No. 8.]

Resolved (the Senate concurring), That the Secretary of State be authorized and directed to cause to be printed, in pamphlet form, five hundred copies each of the general law charter acts passed by the present Legislature for cities of the third and fourth classes; the same to be distributed by said Secretary of State in such numbers as may be needed, to each of the cities which become incorporated under those acts.

Approved May 11, 1895.

[No. 9.]

CONCURRENT RESOLUTION relinquishing all right, title and interest in and to the lands used in and about the construction and operation of the Clinton and Kalamazoo canal, which was constructed in accordance with act number sixty-seven of the laws of eighteen hundred thirty-seven.

WHEREAS, By act number sixty-seven of the laws of eighteen hundred thirty-seven provision was made for certain works of internal improvements, and, among others, in section five, for the survey of a canal, or for a canal part of the way and a railroad for the balance of the route, commencing at or near Mt. Clemens on the Clinton river and terminating at or near the mouth of the Kalamazoo river, which canal was constructed in part, and has, for years past, been known as the "Clinton and Kalamazoo canal;" and

WHEREAS, The State of Michigan many years ago abandoned this canal, and the people of Michigan afterwards incorporated in the constitution of this State, in section nine of article fourteen, the following provision: "The State shall not be a party to, or interested in any works of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property;" and

WHEREAS, Before the construction of this canal certain owners of land lying adjacent thereto, did convey to the State small portions of their land, which would be required in and about the construction and operation of said canal, which deeds are now on record; and

WHEREAS, The State having abandoned the canal and the lands which were so as aforesaid conveyed, it is right and proper, as the State no longer has use for said lands, that the parties who originally owned the lands, or their representatives, heirs or assigns, should be reinvested with the title thereto; therefore

Resolved by the House (the Senate concurring), That the State of Michigan does hereby formally relinquish all of its right, title and interest in and to the lands so received by the State, for the purpose of the construction of the Clinton and Kalamazoo canal, and does hereby formally abandon the same; and the Governor on behalf of the State is hereby authorized and empowered to convey to the original grantors of said lands, or their heirs, representatives or assigns whatever interest the State may have received from said grantors.

Approved May 27, 1895.

[No. 10.]

WHEREAS, The great merchant marine of the great lakes has assumed to such enormous proportions, the pride of our State and the wonder of the nation; and

WHEREAS, Its enormous growth demands increased water way facilities for passing through the St. Clair river, the connecting water way between the great lakes; therefore

Resolved (the Senate concurring), That our Senators and Representatives in the Fifty-fourth Congress of the United States be requested to use their influence with the federal government to secure the deepening and widening of the mouth of the middle channel of the St. Clair river at its entrance into Lake St. Clair in this State, thus granting to said commercial industry a great and growing need and that the clerk cause a copy of this resolution, duly signed by the presiding officers of the House and Senate, respectively, and attested by the clerks, to be forwarded to each of our Senators and Representatives in Congress from this State as soon as practicable.

Approved May 31, 1895.

[No. 11.]

CONCURRENT RESOLUTION authorizing the Board of State Auditors and the State Librarian to procure and ship certain volumes of the Michigan supreme court reports and Howell's annotated statutes to the clerk of the United States circuit court for the eastern district of Michigan, northern division, at Bay City.

WHEREAS, Since the passage of the laws for the distribution of the laws, documents and reports of the State of Michigan to various courts and officers in the State of Michigan, the eastern district of Michigan has been divided into two divisions and the United States courts have permanent officers at Bay City which should be furnished with such laws, documents and reports as the other courts in the State; therefore

Resolved by the Senate (the House of Representatives concurring), That the Board of State Auditors be and are hereby authorized to procure and deliver to the clerk of the United States circuit court for the eastern district of Michigan, northern division, at Bay City, a set of the Michigan reports, including all volumes up to and including the twenty-second Michigan report, and the librarian of the State is hereby authorized to deliver to the clerk of the said United States circuit court at Bay City one copy of Howell's statutes and one copy each of the Michigan reports from the twenty-second up to and including the last report now published, together with the territorial laws, and one copy each of the session laws since eighteen hundred eighty-nine.

Approved June 1, 1895.

[No. 12.]

CONCURRENT RESOLUTION relative to the compilation, indexing and preparation for publication of the journals and documents of the Legislature.

Resolved by the Senate (the House concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby directed to compile and prepare for publication, make indexes and superintend the publication of the journals and documents of the present Legislature, and when completed and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to and receive the sum of five hundred dollars, and the Clerk of the House of Representatives shall be entitled to and receive the sum of six hundred dollars for such services, the same to be paid on the certificate of the Secretary of State.

Approved June 1, 1895.

[No. 13.]

Resolved (the House concurring), That the Secretary of State be authorized to give to the superintendent of the capitol building, and such of the regular employed janitors and watchmen of the building, one copy of the Manual of eighteen hundred and ninety-five.

Approved June 1, 1895.

[No. 14.]

CONCURRENT RESOLUTION relative to the dedication of the soldiers' monuments erected on the battlefield of Chickamauga, Missionary Ridge, etc.

Resolved by the House of Representatives (the Senate concurring), That the sum of five thousand dollars, or as much thereof as may be necessary, be and the same is hereby appropriated to be paid out of the general fund from any moneys not otherwise appropriated, the same to be paid out by the State Treasurer upon the warrant of the Auditor General, to be expended under the direction of the Governor of this State, for the purpose of properly and suitably dedicating the monuments erected by the State of Michigan to the memory of her valiant men who fell on the battlefields of Chickamauga, Mission Ridge, Chattanooga, etc.

Approved June 4, 1895.

[No. 15.]

WHEREAS, The amendments to the laws relative to hawkers and peddlers has been so far changed by the amendments made by the present Legislature, as that the provisions relative thereto at present on the statute books are obsolete; therefore be it

Resolved (the Senate concurring), That the Secretary of State be and is hereby instructed to have the law as it now stands, relative to hawkers and peddlers, compiled, printed and published and distributed to the various townships of the State for the proper guidance of the officers whose duty it is to take action thereunder.

Resolved further, That an edition of three thousand copies of the above described law be published and distributed at as early a date as possible.

Approved June 4, 1895.

[No. 16.]

WHEREAS, It is shown by special message of the Governor of February eighteenth, eighteen hundred ninety-five, that the State road on Bois Blanc island was not constructed in accordance with

the laws of the State relative thereto, nor in accordance with the contract under which the same was built, although the agents of the State for the examination and acceptance of said road certified its construction was in compliance with both the law and contract; and

WHEREAS, In accordance with concurrent resolution number thirty-four, laws of eighteen hundred ninety-three, the Governor caused due and careful examination of all the matters connected with the building of the said Bois Blanc Island State road to be made; and

WHEREAS, The Governor has conducted certain negotiations looking to a settlement with the contractors on said Bois Blanc Island State road by a return to the State of certain of the lands which they have received in payment for the construction of said road, and has secured from the parties interested therein an offer for the return of two sections of the land in settlement of the claim which it is believed the State justly has against the contractors; therefore

Be it resolved (the Senate concurring), That the Governor is hereby empowered to make the best terms of settlement possible and receive for the use of the State the two sections of land which have been offered by the said contractors on the Bois Blanc Island State road for their failure to complete said road in accordance with the law and terms of the contract in such case made and provided.

Resolved further, That the Governor be requested and empowered to bring about such settlement at as early a date as possible in the interest of justice and the equities in behalf of the State.

Approved May 28, 1895.

AMENDMENTS TO THE CONSTITUTION.

Section one of article nine was reconvened January nineteen, eighteen hundred and ninety-four, by order of the supreme court, and the amendment, as ratified and approved by the people at the April election of eighteen hundred and ninety-three, was declared to have been rejected. The section as in force is as follows:

ARTICLE IX.

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

Amendments to the constitution proposed by the Legislature of eighteen hundred and ninety-three and ratified and approved by the people at the November election of eighteen hundred and ninety-four.

ARTICLE VII.

SECTION 1. In all elections every male inhabitant of this State, being a citizen of the United States, every male inhabitant residing in this State on the twenty-fourth day of June, eighteen hundred thirty-five every male inhabitant residing in the State on the first day of January, eighteen hundred fifty, every male inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, eighteen hundred

ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this State six months and in the township or ward in which he offers to vote twenty days next preceding such election: *Provided*, That in time of war, insurrection or rebellion no qualified elector in the actual military service of the United States, or of this State, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides, and the Legislature shall have the power, and shall provide the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside or otherwise.

SECTION 5. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison, except that honorably discharged soldiers, sailors and marines who have served in the military or naval forces of the United States or of this State, and who reside in soldiers' homes established by the State, may acquire a residence where such home is located.

CERTIFICATE.



STATE OF MICHIGAN, }
DEPARTMENT OF STATE, } ss.

I, Washington Gardner, Secretary of State, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred and ninety-five was on the thirty-first day of May in said year.

[L. S.] IN WITNESS WHEREOF I have hereunto set my hand and caused
the great seal of the State of Michigan to be affixed this
tenth day of August, A. D. one thousand eight hundred
and ninety-five.

WASHINGTON GARDNER,
Secretary of State.

APPENDIX

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE FISCAL YEAR ENDING JUNE 30, 1895.

APPENDIX.

REPORT OF THE STATE TREASURER.

TREASURY DEPARTMENT, }
Lansing, July 1, 1895. }

HON. JOHN T. RICH, *Governor:*

SIR—I have the honor to submit herewith the following report, exhibiting the transactions of this department, for the fiscal year ending June 30, 1895:

Balance on hand July 1, 1894.....	\$521,825 27
Total receipts.....	3,704,198 20
Disbursements	\$4,226,023 47
Balance June 30, 1895.....	\$290,417 79

Which corresponds with the amount charged to this office, as appears by the following letter of the Auditor General.

J. M. WILKINSON,
State Treasurer.

STATE OF MICHIGAN, }
AUDITOR GENERAL'S OFFICE, }
Lansing, July 1, 1895. }

HON. J. M. WILKINSON, *State Treasurer:*

SIR—I hereby certify that the cash balance charged the State Treasurer as being in his hands at close of business June 30, 1895, was two hundred and ninety thousand four hundred and seventeen dollars and seventy-nine cents (\$290,417.79), as appears by the books of this office.

Very respectfully,

STANLEY W. TURNER,
Auditor General.

The following statement from the General and Auxiliary Ledgers gives the condition of the several Trust Funds, Bond Account, etc.:

Credit—

Specific Tax Fund	\$265,961 96
Agricultural College Interest Fund.....	39,708 46
Normal School Interest Fund.....	2,687 76
Primary School Interest Fund.....	25,869 36
University Interest Fund.....	9,026 61
Sundry Deposits Account.....	6,268 57
St. Mary's Canal Fund.....	68,927 12
War Fund.....	280 00
	<u>\$418,729 84</u>

Debit—

General fund overdrawn	\$128,312 05
Cash on hand.....	290,417 79
	<u>\$418,729 84</u>

BONDED DEBT.

The outstanding bonds of this State now are:

Past due part paid Five Million Loan Bonds, \$19,000, adjustable at \$558.57 per \$1,000 (not bearing interest).....	\$10,992 83
	<u>\$10,992 83</u>

TRUST FUND DEBT.

Agricultural College Fund.....	\$530,564 41
Normal School Fund.....	65,685 12
Primary School Fund (seven per cent).....	3,764,123 83
Primary School Fund (five per cent).....	818,714 02
University Fund.....	528,206 59
Balance Trust Funds.....	<u>\$5,707,293 97</u>

The following statements give the receipts and payments in detail:

General Fund.

RECEIPTS.

Balance June 30, 1894.....		\$262,093 86
Taxes, etc.—		
From Auditor General's Office—		
Tax histories, statements and deeds.....	\$2,129 77	
State tax lands.....	66,543 38	
Redemptions.....	25,832 67	
Delinquent taxes.....	53,772 02	
		148,277 84
From County Treasurers—		
Under old tax law.....	\$2,389 35	
Under new tax law.....	1,887,728 14	
		1,890,117 49
Fees, Licenses, etc.—		
Adjutant General—		
"Michigan in the War," sale of.....	\$20 00	
Auditor General—		
Plats filed.....	132 00	
Commissioner of Insurance—		
Fees—Co-operative associations.....	1,220 00	
Labor fees.....	2 00	
Penalties paid by insurance companies.....	345 49	
Commissioner of State Land Office—		
Plats, etc.....	541 57	
Settlers' licenses.....	164 11	
Governor—		
Fees—Notaries public.....	3,883 00	
Secretary of State—		
Certificates and certified copies.....	1,510 02	
Commissions to Commissioners of Deeds.....	57 00	
Legislative Manuals, sale of.....	39 00	
Records of Superintendents of the Poor (Act 121, 1885).....	13 99	
Session Laws, sale of.....	107 59	
Registered brands and labels.....	5 00	
Franchise fees.....	21,143 06	
Attorney General—		
Approval fees from insurance companies.....	55 00	
State Librarian—		
Fees from traveling library.....	25 00	
Michigan Reports, sale of.....	96 25	
Pioneer Collections, sale of.....	36 00	
State Oil Inspector—		
Inspection fees.....	13,839 14	
State Treasurer—		
Fees for copies records.....	40 00	
Peddlers' licenses.....	3,447 06	
Amount carried forward.....	\$46,722 28	\$2,300,482 19

Amount brought forward	\$46,722 28	\$2,300,489 1
Fees, Licenses, etc.—		
Commissioner of Banking—		
Fees for examining banks	7,769 24	
Commissioner of Railroads—		
Compiled railroad laws, sale of	13 90	
		54,505 4
Interest—		
Specific taxes	\$6,159 50	
Surplus funds	8,847 70	
		15,007 2
Refunding—		
Awards of Board State Auditors	\$26 25	
Appropriations unexpended, School for the Blind	1,224 82	
State Teachers' Institutes	05	
Industrial School for Boys	612 41	
State Public School	98 38	
Salaries overpaid, H. R. Pattengill	490 30	
Emily A. Beecher	35 00	
Members boards State institutions	21 00	
Legislative mileage, Roy C. Marsh	18 80	
Henry H. Whiteley	39 20	
E. M. Briggs	1 20	
Legislative per diem, C. W. Perry	9 00	
		2,576 4
State lands, purchase of—		
Asylum lands—principal and interest	\$720 15	
Asset lands—principal and interest	76 83	
Salt spring lands—principal and interest	499 50	
State building lands—principal and interest	428 42	
Five per cent from sale of lands by United States	548 50	
Taxes on part paid lands	2,107 59	
Rent of State building lots in Lansing	2,361 25	
		6,742 24
Miscellaneous—		
Michigan Board of Pharmacy—available surplus	\$1,000 00	
Sale of old material	10 70	
United States government in aid Soldiers' Home	47,825 00	
United States government in aid Agricultural College	20,000 00	
United States government allowance on war claims	1,679 53	
Bills payable, loan First National bank, Detroit	200,000 00	
Geo. W. Stone, receiver Central Mich. Savings bank	41,000 00	
F. Filer, receiver Com. and Savings bank, Ludington	89,923 61	
E. J. Bissell, receiver Milford State bank	2,000 00	
Imperial Life Insurance Co.	26,798 73	
Escheat to State, estates of unknown deceased	47 85	
A. W. Lindholm, money deposited in city banks	168 45	
M. A. Nichols, in settlement Littlefield estate	1,650 04	
		432,103 91
Transfers—		
From Agricultural College Fund	\$4,626 63	
From Normal School Fund	180 00	
From Primary School Fund	26,815 91	
From Swamp Land Fund	5,471 28	
From University Fund	3,370 88	
		40,464 70
Amount overdrawn June 30, 1895		128,312 0
Total		<u>\$2,980,201 1</u>

General Fund.

DISBURSEMENTS.

Appropriations—

Eastern Asylum for the Insane.....	\$9,204 43	
Michigan Asylum for the Insane.....	9,998 18	
Northern Asylum for the Insane.....	19,799 56	
Asylum for Insane, Upper Peninsula.....	73,777 83	
Asylum for Insane Criminals.....	3,302 42	
Institution for Educating the Deaf and Dumb.....	57,300 00	
Michigan School for the Blind.....	25,600 00	
Michigan Soldiers' Home.....	85,250 00	
Home for Soldiers, Sailors, etc., their wives and mothers.....	1,250 00	
Home for Feeble Minded.....	40,000 00	
Board of Corrections and Charities.....	4,178 22	
Board of Fish Commissioners.....	30,900 00	
Board of Geological Survey.....	7,773 79	
Bureau of Labor and Industrial Statistics.....	5,471 18	
State Board of Health.....	6,147 37	
Agricultural College.....	11,775 00	
Michigan Mining School.....	48,750 00	
State Normal School.....	48,777 50	
State Public School for Dependent Children.....	43,024 90	
University of Michigan.....	194,333 32	
State Industrial School for Boys.....	57,750 00	
State House of Correction and Branch of State Prison, U. P.....	5,675 00	
State Industrial Home for Girls.....	35,000 00	
State Prison.....	5,000 00	
Commissioner of Mineral Statistics.....	1,875 00	
Military account.....	80,755 56	
Pioneer Society of the State of Michigan.....	2,402 90	
Soldiers and Sailors' Monument.....	100 00	
State Library.....	4,900 00	
State Teachers' Institutes.....	1,800 00	
Re-compilation of Records in Adjutant General's office.....	4,708 54	
Relief of Supreme Court.....	3,788 41	
Factory Inspection.....	4,401 98	
Michigan State Horticultural Society.....	366 42	
Antietam Memorial Commission.....	52 05	
Dairy and Food Commission.....	535 00	
Chickamauga and Chattanooga Monuments.....	1,600 00	
Gettysburg Monuments.....	500 00	
		\$937,824 56
Expenses of State Government—		
Advisory Board in matter of pardons.....	\$2,499 23	
Agent of State Public School.....	2,339 64	
Agent Industrial School for Boys.....	604 78	
Agent Industrial Home for Girls.....	841 40	
Apprehending escaped convicts.....	791 72	
Care of juvenile offenders.....	9,301 03	
Conveying children to State Industrial School for Boys.....	4,416 71	
Amount carried forward.....	\$20,794 51	\$937,824 56

Amount brought forward	\$20,794 51	\$937,824 5
Expenses of State Government—		
Conveying children to State Industrial Home for Girls.....	2,112 77	
Conveying convicts to State House of Correction.....	5,291 08	
Conveying convicts to State Prison.....	3,696 00	
Conveying convicts to State House of Correction and Prison, U. P.	3,415 53	
Conveying convicts to Detroit House of Correction.....	396 47	
Transportation of children to State Public School.....	1,418 60	
Return of children from State Public School.....	8 25	
Medical treatment of children.....	191 26	
Transfer of convicts (insane).....	379 65	
State House of Correction (current expenses).....	64,000 00	
State Prison (current expenses).....	18,000 00	
State House of Correction and Prison, U. P. (current expenses).....	22,000 00	
Support of female convicts.....	1,268 30	
Support of insane, Eastern Asylum.....	128,665 17	
Support of insane, Michigan Asylum.....	147,111 76	
Support of insane, Northern Asylum.....	133,621 01	
Support of insane, Criminal Asylum.....	34,046 10	
Support of insane, Wayne County Asylum.....	22,304 03	
State Live Stock Sanitary Commission.....	2,917 49	
Expenses of Game and Fish Warden.....	3,482 34	
Awards of board of State Auditors.....	178,450 20	
Members of boards of State Institutions.....	8,422 36	
Members of board trustees School for Deaf.....	34 50	
Members of board trustees Industrial School for Boys.....	27 63	
Members of board trustees Asylum Dangerous and Criminal Insane.....	36 96	
Members of board control School for Blind.....	369 35	
Members of board control State House Correction and Branch Prison, U. P.	119 34	
Members of board guardians Industrial Home for Girls.....	78 83	
Members of board control State House of Correction.....	71 85	
Members of board control Home for Feeble Minded.....	74 68	
Members of board control State Public School.....	104 78	
Agent State Board Agriculture, examining lands.....	968 65	
Judiciary,—Supreme and circuit courts.....	2,598 08	
—Costs of Suits.....	14,547 41	
—State Reporter (incidental expenses).....	69 85	
		821,094 7
Expenses of State Institutions,—charged back to counties—		
Eastern Asylum for the Insane.....	\$306 79	
Northern Asylum for the Insane.....	9,665 11	
Institution for educating the Deaf and Dumb.....	4,582 62	
Michigan School for the Blind.....	638 06	
		15,192 5
Salaries—		
State Officers, Clerks, and Judges of Courts.....	\$413,651 52	
Military department,—(charged back to Military account).....	3,076 91	
		416,728 4
Taxes—		
Advertising sales of forfeited lands.....	\$9 45	
Expenses of sales and collecting delinquent State tax.....	46,203 91	
Amount carried forward	\$46,213 36	\$2,190,840 3

APPENDIX.

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Amount brought forward	\$46,213 36	\$2,190,840 36
Taxes—		
Fund of counties (old tax law).....	729 71	
Sundry counties (new tax law).....	145,342 99	
		192,286 06
Refunding—		
Refunding, Auditor General's office.....	\$39,281 11	
Refunding, Land Office.....	14 72	
Refunding, State Treasurer.....	66 25	
Refunding, Insurance Commissioner.....	30 00	
Refunding, Industrial Home for Boys.....	139 41	
		39,531 49
Miscellaneous—		
Prevention of Cholera.....	\$159 26	
Coroners' fees.....	4,359 26	
Supervisors' appraisals.....	12 00	
Agricultural College Government aid.....	20,000 00	
Imperial Life Insurance Co.	27,022 02	
Payment of troops in aid civil authorities	20,367 87	
State Board of Inspectors, expenses	79 78	
F. Filer receiver, Com. and Savings Bank, Ludington..	89,923 61	
E. J. Bissell, receiver, Milford State Bank.....	1,000 00	
George W. Stone, receiver, Cent. Michigan Savings Bank	55,118 50	
Bills payable, First Nat. Bank, Detroit	200,000 00	
Wolf Bounties.....	35 00	
State Banking Department, salaries.....	6,500 00	
State Banking Department, expenses.....	2,618 97	
Legislative Pay pe r diem and mileage, Senate.....	36,374 40	
Legislative Pay, per diem and mileage, House.....	78,015 35	
Incidental expenses, Legislature	9,608 12	
Stationery for Legislature.....	6,224 34	
		557,418 50
Transfers—		
To swamp land fund.....	\$124 71	
		124 71
Total		<u><u>\$2,980,201 12</u></u>

AGGREGATE OF RECEIPTS AND DISBURSEMENTS OF GENERAL FUND FOR EACH MONTH
OF THE FISCAL YEAR ENDING JUNE 30, 1895.

	Receipts.	Disbursements
1894—July	\$420,253 76	\$305,810 34
August	68,627 78	249,982 52
September	212,454 45	174,730 21
October	103,592 18	303,371 00
November	183,720 52	663,427 43
December	401,581 68	147,839 28
1895—January	281,962 67	285,270 85
February	223,934 29	258,066 64
March	553,127 58	472,884 24
April	272,841 45	308,402 69
May	676,063 93	603,309 73
June	306,017 93	162,510 15
Total	<u>\$3,704,198 20</u>	<u>\$3,935,605 68</u>

INDEX
TO THE
PUBLIC ACTS
OF THE
STATE OF MICHIGAN

NACTED BY THE LEGISLATURE OF 1895 WITH REFERENCES TO THE
LAWS OF 1891 AND 1893 AFFECTED THEREBY, AND TO
SECTIONS AND CHAPTERS OF

HOWELL'S ANNOTATED STATUTES

VOLUMES 1, 2 AND 3, AMENDED OR REPEALED

repared and published under the supervision of the Secretary of State, in compliance
with Act No. 87, Public Acts of 1885.



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1895

INDEX TO PUBLIC ACTS OF 1895.

The abbreviations used in the following pages of this index are: ch, chapter; r, repealed; s, superseded. Where lines are indented it indicates that there should be a repetition of the first words of the first full line immediately above the indented line, or that the matter of the indented line relates to the same subject, as will be readily apparent to the reader.

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† See act No. 1, 1892, special session.

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* This act repeals or modifies in part chapters 44, 45 and 50, Howell's annotated statutes. It is superseded and repealed by the provisions of acts Nos. 115, 116 and 123, pages 156, 164 and 198, Public Acts, 1893.

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